

FEDERAL REGISTER



VOLUME 20 1934 NUMBER 145

Washington, Wednesday, July 27, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3104

DEATH OF CORDELL HULL

BY THE PRESIDENT OF THE
UNITED STATES
A PROCLAMATION

WHEREAS, on this 23rd day of July 1955, death and the peace of God have come to Cordell Hull, who served as Secretary of State of the United States from 1933 to 1944; and

WHEREAS his death has brought to an end a distinguished public career as a lawyer and judge, as an officer of the Army, as a member of the Legislature of the State of Tennessee and of the two Houses of the Congress of the United States, as Secretary of State, and as an American representative in the council chambers of the world; and

WHEREAS his life was honored and his death is mourned by millions of men at home and in the far places of the earth by reason of his integrity of purpose, his high sense of obligation, and his long and fruitful labors in the cause of peace;

NOW THEREFORE, I, Dwight D. Eisenhower, President of the United States of America, do hereby direct that the appropriate officials arrange for the display of the national flag at half staff on all Government buildings of the United States until the interment of Cordell Hull, in solemn tribute to this great American statesman. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half staff over their embassies, legations, and consular offices.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this 23rd day of July in the year of our Lord Nineteen Hundred and Fifty-
[SEAL] Five and of the independence of the United States of America the One Hundred Eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-6139; Filed, July 20, 1955;
11:25 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) and (2) of § 6.304 is revoked, and paragraphs (a) and (b) are added in a new § 6.369 as set out below.

§ 6.369 *Saint Lawrence Seaway Development Corporation.* (a) One Private Secretary to the Administrator.

(b) One Special Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1023, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] Wm. C. HULL,
Executive Assistant.

[F. R. Doc. 55-6059; Filed, July 26, 1955;
8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.313 is amended as set out below.

(Continued on p. 5339)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 33 (\$1.50)

Title 46: Part 146 to end (\$1.25)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7: Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32A, Revised December 31, 1954 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Titles 47-48 (\$1.25); Title 49: Parts 1-70 (\$0.60); Parts 71-90 (\$0.75); Titles 91-164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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§ 6.313 *Department of Labor—(a) Office of the Secretary.* (1) Four special assistants, two confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, March 31, 1953, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-6060; Filed, July 26, 1955;
8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.521 *Plum Order 22—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 28, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 21, 1955, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 21, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recom-

mendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 28, 1955, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 28, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship any package or container of Late Duarte plums unless:

(i) Such plums grade at least U. S. No. 1, and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-6097; Filed, July 26, 1955;
8:56 a. m.]

[Plum Order 23]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.522 *Plum Order 23—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity

Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 28, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 21, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 21, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 28, 1955, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 28, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship any package or container of Grand Duke plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack.

(2) Section 936.143, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the

same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-6098; Filed, July 26, 1955;
8:56 a. m.]

[Plum Order 24]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.523 *Plum Order 24*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 28, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 21, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 21, 1955, after consideration of all

available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 28, 1955, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order*. (1) During the period beginning at 12:01 a. m., P. S. T., July 28, 1955, and ending at 12:01 a. m., P. S. T., November 1, 1955, no shipper shall ship any package or container of Giant plums unless:

(i) Such plums grade at least U. S. No. 1, and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack.

(2) Section 936.143, as amended (§ 936.100 et seq., 18 F. R. 712, 2839; 19 F. R. 425) sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title) "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: July 25, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-6099; Filed, July 26, 1955;
8:56 a. m.]

Chapter XI—Agricultural Conserva-
tion Program Service, Department
of Agriculture

[ACP-1954, Supp. 13]

PART 1101—NATIONAL AGRICULTURAL
CONSERVATION
SUBPART—1954

TIME AND MANNER OF FILING APPLICATION
AND REQUIRED INFORMATION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National

Agricultural Conservation Program, approved August 3, 1953, (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), January 6, 1954 (19 F. R. 160), February 15, 1954 (19 F. R. 972), March 3, 1954 (19 F. R. 1267), March 22, 1954 (19 F. R. 1639), March 26, 1954 (19 F. R. 1791), May 14, 1954 (19 F. R. 2894), June 17, 1954 (19 F. R. 3793), July 8, 1954 (19 F. R. 4298), August 26, 1954 (19 F. R. 5576) and May 10, 1955 (20 F. R. 3256), is further amended as follows:

Section 1101.592 is amended by designating the present wording as paragraph "(a)" and by adding at the end thereof the following new paragraph:

(b) The final date for filing an application for payment is January 31, 1955, in Ohio; February 15, 1955, in Rhode Island; February 28, 1955, in New York; March 31, 1955, in New Jersey; April 1, 1955, in Maine (except for practices which the county committee considers substantially completed on December 31, 1954, in which case the application must be filed in the county office on or before June 30, 1955); May 1, 1955, in Nevada; May 15, 1955, in Florida; May 31, 1955, in New Hampshire and Vermont; June 30, 1955, in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Louisiana, Mississippi, Montana, New Mexico, Pennsylvania, South Carolina, Virginia, Washington, and Wyoming; July 1, 1955, in Maryland; September 30, 1955, in Minnesota; December 31, 1955, in Arizona, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin. In those States for which the final date for filing an application for payment is earlier than December 31, 1955, the State committee may extend the final date to a date not later than December 31, 1955, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 22d day of July 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-6075; Filed, July 26, 1955;
8:51 a. m.]

[ACP-1955, Supp. 10]

PART 1101—NATIONAL AGRICULTURAL
CONSERVATION
SUBPART—1955
STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138) as amended August 3, 1954 (19 F. R. 4953), Septem-

ber 15, 1954 (19 F. R. 6059) October 25, 1954 (19 F. R. 6910) March 1, 1955 (20 F. R. 1336) April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881) May 16, 1955 (20 F. R. 3494) June 10, 1955 (20 F. R. 4209) and June 14, 1955 (20 F. R. 4281) is further amended as follows:

Section 1101.602 is amended to read as follows:

§ 1101.602 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1954 distribution and the allocation for any State shall not be less than its allocation for 1954. The allocation of funds among the States is as follows:

Alabama	\$6,316,000
Alaska	29,000
Arizona	1,568,000
Arkansas	4,917,000
California	5,634,000
Colorado	3,450,000
Connecticut	517,000
Delaware	347,000
Florida	2,606,000
Georgia	7,377,000
Hawaii	193,000
Idaho	1,800,000
Illinois	8,683,000
Indiana	5,612,000
Iowa	9,466,000
Kansas	6,779,000
Kentucky	6,748,000
Louisiana	4,328,000
Maine	980,000
Maryland	1,358,000
Massachusetts	562,000
Michigan	5,021,000
Minnesota	6,075,000
Mississippi	6,651,000
Missouri	9,282,000
Montana	3,799,000
Nebraska	6,419,000
Nevada	349,000
New Hampshire	525,000
New Jersey	755,000
New Mexico	1,922,000
New York	4,924,000
North Carolina	6,531,000
North Dakota	4,738,000
Ohio	5,891,000
Oklahoma	7,656,000
Oregon	2,275,000
Pennsylvania	5,229,000
Puerto Rico	872,000
Rhode Island	87,000
South Carolina	3,536,000
South Dakota	4,935,000
Tennessee	5,468,000
Texas	20,009,000
Utah	1,364,000
Vermont	1,105,000
Virgin Islands	12,000
Virginia	4,483,000
Washington	2,469,000
West Virginia	1,646,000
Wisconsin	5,565,000
Wyoming	2,117,000
Total	211,000,000

(b) The apportionment shown in this section does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.630, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 22d day of July 1955.

[SEAL]

E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-6074; Filed, July 26, 1955; 8:51 a. m.]

[ACP—1956, Supp. 1]

PART 1101—NATIONAL AGRICULTURAL
CONSERVATION

SUBPART—1956

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 National Agricultural Conservation Program, issued June 14, 1955 (20 F. R. 4281) is hereby amended as follows:

Section 1101.702 is amended to read as follows:

§ 1101.702 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1955 distribution. The allocation of funds among the States is as follows:

Alabama	\$6,046,000
Alaska	27,000
Arizona	1,518,000
Arkansas	4,750,000
California	5,520,000
Colorado	3,302,000
Connecticut	495,000
Delaware	332,000
Florida	2,585,000
Georgia	7,113,000
Hawaii	185,000
Idaho	1,747,000
Illinois	8,433,000
Indiana	5,465,000
Iowa	9,203,000
Kansas	6,488,000
Kentucky	6,658,000
Louisiana	4,177,000
Maine	945,000
Maryland	1,300,000
Massachusetts	541,000
Michigan	4,690,000
Minnesota	5,018,000
Mississippi	6,398,000
Missouri	8,884,000
Montana	3,690,000
Nebraska	6,201,000
Nevada	352,000
New Hampshire	512,000
New Jersey	723,000
New Mexico	1,801,000
New York	4,713,000
North Carolina	6,320,000
North Dakota	4,535,000
Ohio	5,756,000
Oklahoma	7,328,000
Oregon	2,203,000
Pennsylvania	5,005,000
Puerto Rico	839,000
Rhode Island	83,000
South Carolina	3,450,000
South Dakota	4,723,000
Tennessee	5,253,000
Texas	10,379,000
Utah	1,320,000
Vermont	1,063,000
Virgin Islands	12,000
Virginia	4,356,000

Washington	2,374,000
West Virginia	1,575,000
Wisconsin	5,378,000
Wyoming	2,052,000

Total 204,000,000

(b) The apportionment shown in this section does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.730, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 49, 84th Cong.; 16 U. S. C. 590g-590q.)

Done at Washington, D. C., this 22d day of July 1955.

[SEAL]

E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-6076; Filed, July 26, 1955; 8:51 a. m.]

PART 1105—AGRICULTURAL CONSERVATION;
HAWAII

SUBPART—1956

There is no more important responsibility within the Department of Agriculture than that for taking aggressive leadership for the conservation and improvement of the Nation's soil and water resources. Cost-sharing under the Agricultural Conservation Program is an important and effective means through which landowners and operators are aided in doing essential conservation work needed in the public interest.

The extent to which the program helps meet conservation objectives is dependent upon the wholehearted participation of all those interested in conservation, at national and local levels, and we solicit their cooperation in making the program effective. I am calling on all those in the Department who have responsibilities in the field of soil and water conservation to join in making the 1956 program a productive tool for conservation and improvement of the agricultural resources of the Nation's farms and ranches. We hope that farmers and ranches will join in using the program to meet, more than ever before, the community and individual farm conservation problems which would not otherwise be solved.

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1105.543 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.
1105.544 Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gulying of farmland and reduce runoff of water.
1105.545 Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.
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- 1105.550 Practice 10: Initial treatment of cropland, orchardland, or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.

- 1105.551 Practice 11. Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture lands by poisoning or hand grubbing.

- 1105.552 Practice 12: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.

- 1105.553 Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.

- 1105.554 Practice 14. Construction of permanent artificial watersheds and/or storage tanks for accumulating water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.

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1105.562 Practice 22: Shaping or land grading to permit effective surface drainage.

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- 1105.565 Practice 25: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.

AUTHORITY: §§ 1105.500 to 1105.565 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, Pub. Law 40, 84th Cong., 16 U. S. C. 590g-590q.

INTRODUCTION

§ 1105.500 *Introduction.* (a) The United States Department of Agriculture offers every farmer in the Territory of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1956 Agricultural Conservation Program.

(b) Under this program part of the costs of the conservation practices is borne by the Government and this represents the Nation's interest in what happens to its basic land and water resources.

(c) Costs will be shared on the performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

(d) The information contained in this subpart outlines the general provisions of the 1956 Agricultural Conservation Program for Hawaii and the general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

§ 1105.501 *General program principles.* The 1956 Agricultural Conservation Program for Hawaii has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the Territory.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1956 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers and ranchers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations in a particular county should not be eligible for cost-sharing. Individual farmers or ranchers should be encour-

aged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farms or ranches.

(e) The rates of cost-sharing in the program are the minimum considered necessary to result in substantially increased performance of needed practices within the limits prescribed.

(f) The purpose of the program is to help achieve additional conservation on the land rather than to bring more land into agricultural production. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of conservation practices which farmers and ranchers otherwise would not perform but which are essential to the national interest, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices.

DEFINITIONS

§ 1105.502 *Definitions.* For the purposes of the 1956 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the Hawaii Agricultural Stabilization and Conservation Office in Honolulu, Territory of Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, the Territory of Hawaii or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(f) "Farm" or "ranch" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm or ranch, constitutes a unit with respect to the rotation of crops. Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm or ranch shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon,

it shall be regarded as located in the county in which the major portion of the farm or ranch is located.

(g) "Cropland" means farmland which in 1955 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, a wind erosion hazard to the community.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation and is not suitable for any other agricultural use.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means the Division of Forestry, Territorial Board of Agriculture and Forestry.

ALLOCATION OF FUNDS

§ 1105.503 *Allocation of funds.* The amount of funds available for conservation practices under this program is \$185,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1105.518.

APPROVAL OF CONSERVATION PRACTICES

§ 1105.504 *Method and extent of approval.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms and ranches, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1956. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice.

§ 1105.505 *Selection of practices.* (a) The practices included in the program are only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any

conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.506 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with approval of the State Office, to perform designated amounts of practices which the State Office determines are necessary to conserve or improve the agricultural resources of the community. For purposes of cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.507 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started. For practices for which (a) approval was given under the 1955 Agricultural Conservation Program, (b) performance was started but not completed during the 1955 program year, and (c) the State Office believes the extension of the approval to the 1956 program is justified under the 1956 program regulations and provisions, the filing of the request for cost-sharing under the 1955 program may be regarded as meeting the requirement of the 1956 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1105.508 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period from October 1, 1955, through December 31, 1956, the conservation practices, or components thereof, included in this subpart which are approved for a farm or ranch.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1105.541, 1105.542, 1105.544, 1105.545, 1105.554, 1105.556 to 1105.559, and 1105.561 to 1105.564. This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1105.543, the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1105.546, 1105.553, and 1105.555, the Soil Conservation Service is responsible for determining that the practice is

needed and practicable on the farm. In addition, upon agreement of the State Office and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practice contained in § 1105.560. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through the State Office, determining compliance in meeting these specifications.

§ 1105.509 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of current soil tests: *Provided, however,* That if the State Office determines that available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service. Liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing.

(c) Costs for the practices contained in §§ 1105.543 and 1105.547 to 1105.549 may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded, or that other needed protective measures be carried out.

§ 1105.510 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1105.511 and 1105.512, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1105.511 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to

have been carried out during the 1956 program year, if the State Office determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1105.512 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1956 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer or rancher agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the State Office, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The State Office determines that under the circumstances prevailing on the farm in 1956, completion of that component is a reasonable attainment in 1956 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time prescribed by the State Office, provided the farmer or rancher is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1105.513 *Initial establishment, improvement, or installation of practices.* (a) Federal cost-sharing may not be authorized under the 1956 program for the performance of practices other than those contained in §§ 1105.547 and 1105.548 on land on which cost-sharing for the performance of the same practice, or a practice to accomplish the same conservation purpose, was allowed under the 1954 or a subsequent program, except as provided in §§ 1105.509 (c) and 1105.515.

(b) It is contemplated that this policy will be continued for subsequent programs.

§ 1105.514 *Repair upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for upkeep or maintenance of any practice.

§ 1105.515 *Replacement, enlargement, or restoration of practices.* Federal cost-sharing may be approved for replacement, enlargement, or restoration of practices for which cost-sharing was allowed under a previous program but which are not now adequately meeting the conservation problem, if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The practice has not served for the length of time for which it normally could be expected to effectively meet the conservation problem. This does not apply to practices for which cost-sharing was allowed prior to the 1954 program, or to practices for which costs were shared under the 1954 or a subsequent program before the current operator assumed control of the farm or ranch.

(d) The State Office believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with the similar practices for which cost-sharing for initial establishment is requested.

FEDERAL COST-SHARES

§ 1105.517 *Division of Federal cost-shares—(a) Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122 as amended (Part 1108 of this chapter)

§ 1105.518 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation, discontinue such increases:

(a) Any Federal cost-share amounting to \$0.71 or less shall be increased to \$1.

(b) Any Federal cost-share amounting to more than \$0.71 but less than \$1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
\$1 to \$1.99	\$0.40
\$2 to \$2.99	.80
\$3 to \$3.99	1.20
\$4 to \$4.99	1.60
\$5 to \$5.99	2.00
\$6 to \$6.99	2.40
\$7 to \$7.99	2.80
\$8 to \$8.99	3.20
\$9 to \$9.99	3.60
\$10 to \$10.99	4.00
\$11 to \$11.99	4.40
\$12 to \$12.99	4.80
\$13 to \$13.99	5.20
\$14 to \$14.99	5.60
\$15 to \$15.99	6.00
\$16 to \$16.99	6.40
\$17 to \$17.99	6.80
\$18 to \$18.99	7.20
\$19 to \$19.99	7.60
\$20 to \$20.99	8.00
\$21 to \$21.99	8.20
\$22 to \$22.99	8.40
\$23 to \$23.99	8.60
\$24 to \$24.99	8.80
\$25 to \$25.99	9.00
\$26 to \$26.99	9.20
\$27 to \$27.99	9.40
\$28 to \$28.99	9.60
\$29 to \$29.99	9.80
\$30 to \$30.99	10.00
\$31 to \$31.99	10.20
\$32 to \$32.99	10.40
\$33 to \$33.99	10.60
\$34 to \$34.99	10.80
\$35 to \$35.99	11.00
\$36 to \$36.99	11.20
\$37 to \$37.99	11.40
\$38 to \$38.99	11.60
\$39 to \$39.99	11.80
\$40 to \$40.99	12.00
\$41 to \$41.99	12.10
\$42 to \$42.99	12.20
\$43 to \$43.99	12.30
\$44 to \$44.99	12.40
\$45 to \$45.99	12.50
\$46 to \$46.99	12.60
\$47 to \$47.99	12.70
\$48 to \$48.99	12.80
\$49 to \$49.99	12.90
\$50 to \$50.99	13.00
\$51 to \$51.99	13.10
\$52 to \$52.99	13.20
\$53 to \$53.99	13.30
\$54 to \$54.99	13.40
\$55 to \$55.99	13.50
\$56 to \$56.99	13.60
\$57 to \$57.99	13.70
\$58 to \$58.99	13.80
\$59 to \$59.99	13.90
\$60 to \$185.99	14.00
\$186 to \$199.99	(¹)
\$200 and over	(²)

¹ Increase to \$200.

² No increase.

§ 1105.519 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1956 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1956 program may

be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1105.521 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1956 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1105.522 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1956 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1105.523 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1105.524 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the 1956 program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the 1956 program and shall refund all amounts that may have been paid to him under the 1956 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.525 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law without deduction of claims for advances (except as provided in § 1105.526, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary

(Part 1109 of this chapter)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.526 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1956 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1956, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70.

§ 1105.527 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.528 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1956 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws and regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.530 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.531 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the State Office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file

the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to each farm inspector, and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the applicable time limit.

(c) If an application for a farm or ranch is filed within the time prescribed, any producer on the farm or ranch who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1957.

APPEALS

§ 1105.533 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State Office, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation practice and such

performance reasonably accomplished the purpose of the practice.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.535 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g-590q) and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956.

§ 1105.536 *Availability of funds.* (a) The provisions of the 1956 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1956 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1957.

§ 1105.537 *Applicability.* (a) The provisions of the 1956 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands the use of which the State Office determines will probably change within 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.541 *Practice 1. Constructing continuous terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed, provided the structures are properly laid out and constructed in accordance with specifications contained in Soil Conservation Service Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour lines and the land surface must be protected during the rainfall season by cover crops, heavy crop residues, or organic mulches. Diversion ditches should be used on slopes between 16 percent and 20 percent and bench-type terraces on land of 20 percent or more slope. No cost-sharing will be allowed for reconstructing old terraces.

Maximum Federal cost-share. (a) \$2.50 per 100 linear feet of terrace constructed in clear soil.

(b) \$5 per 100 linear feet of terrace constructed in very rocky soil or exposed rocky substratum.

(c) \$10 per 100 linear feet for bench terraces.

(d) \$0.12 per cubic yard of earth moved in diversion ditch construction.

§ 1105.542 *Practice 2: Constructing interception ditches and/or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmlands. (See § 1105.541 (practice 1) for infield interception of runoff water.) Channels having an erosive grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullyng. The amount of material moved in channel construction shall be that which is determined by direct measurement of ridge or berm material above normal ground level, or that determined by prior and subsequent sectional surveys. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. \$0.12 per cubic yard of material moved.

§ 1105.543 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.* This practice is to prevent erosion in permanent waterways and is applicable only to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before cost-sharing may be allowed for this practice. Maximum width of waterway for which cost-

sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Soil Conservation Service Technical Standards on file in the State Office. Bermuda, Giant Bermuda, Kikuyu, or any other locally adapted species approved by the State Office may be used.

Maximum Federal cost-share. \$1 per 1,000 square feet of surface established by shaping and seeding, sodding, or sprigging, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

§ 1105.544 *Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gulleying of farmland and reduce runoff of water.* Receipts or invoices showing purchase of pipe and/or flume material and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) \$0.14 per cubic yard of earth moved in the construction of the dams, wings, and walls.

(b) \$14 per cubic yard of concrete used.

(c) \$8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and/or flume material delivered to the farm.

(e) \$2 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 50 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) \$0.30 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) \$2 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.545 *Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.* Dams for purposes other than for impounding water for irrigation or for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management are not eligible. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. \$0.60 per square yard of exposed riprap surface.

§ 1105.546 *Practice 6: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches.

Maximum Federal cost-share. \$5 per acre.

§ 1105.547 *Practice 7: Establishment of leguminous crops for use as stubble mulch, cover or green manure for pro-*

tection of soil from erosion. In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.548 (practice 8)), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

*Minimum seeding rate
(pounds per acre)*

(a) Pigeon peas	30
(b) Velvetbeans	50
(c) Field beans	30
(d) Purple vetch	50
(e) Clover:	
Large like Kalmi	10
Small like Alsike	5
(f) Kudzu	8
(g) Crotalaria juncea	10
(h) Crotalaria spectabilis	10
(i) Cowpeas	30

Maximum Federal cost-share. 50 percent of the cost of seed at the farm, but not in excess of \$5 per acre of area planted.

§ 1105.548 *Practice 8: Establishment of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* Para grass (*Panicum purpurascens*), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.547 (practice 7) for ratio specifications.

Maximum Federal cost-share. 50 percent of the cost of seed at the farm, but not in excess of \$5 per acre actually planted.

§ 1105.549 *Practice 9: Initial establishment of permanent pasture or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses and/or legumes.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the interme-

diolate strips shall be broken out. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or legume-grass mixture is established within 6 months after clearing, unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. If clearing is done, the land must have undergone no clearing operation within the past 25 years while under control of the present operator or within 10 years in the case of a recent change in ownership or tenancy, except where the State Office determines otherwise. Land cleared must be established in perennial grasses or a legume-grass mixture as soon as practicable and within the program year. No cost will be shared where mechanical equipment is used on slopes above 35 percent nor will cost be shared for clearing a stand of merchantable timber (including timber for fence posts and charcoal for sale). No cost will be shared for land clearing if the land cleared would be suitable for cultivation of crops. Records of labor, equipment, and material used in the clearing operation and receipts or invoices showing purchase of seed or records of costs of collecting will be required as evidence of cost. If liming materials must be applied in the quantity determined to be needed for successful establishment of the cover, cost-sharing for the minimum required application of liming materials may be authorized under § 1105.550 (practice 10).

Maximum Federal cost-share. (a) Seeding after land preparation, 50 percent of the cost of seed, not in excess of \$5 per acre, plus 50 percent of the average cost at the farm of the minimum required application of approved commercial fertilizers, including nitrogen, for the establishment of the cover.

(b) Clearing operations, 50 percent of the cost, but not in excess of the lesser of \$10 per acre or \$500 per farm.

§ 1105.550 *Practice 10: Initial treatment of cropland, orchardland, or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1956 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if recent soil analysis and Agricultural Extension Service recommendations justify the use of lime and all measures needed to assure an improved vegetative cover which will

provide adequate and extended soil protection are carried out. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

Maximum Federal cost-share. 50 percent of the average cost of the minimum required application of liming material delivered to the farm.

§ 1105.551 *Practice 11. Initial controlling of competitive shrubs to permit growth of adequate grass cover for soil protection on range or pasture lands by poisoning or hand grubbing.* Sharing costs will be repeated for each treatment but not in excess of two during the year made according to accepted practices. Receipts or invoices showing purchase of poisons used or grubbing labor employed will be required by inspectors as evidence of cost. Analysis of poisons will also be required. Competitive shrubs eligible under this practice are as listed below and described in Extension Bulletin 62, University of Hawaii, available at the State Office.

Guava (*Psidium guajava*).
Opiuma (*Pithecellobium dulce*).
Emex (*Emex spinosa*).
Melastoma (*Melastoma malabathricum*).
Firebush (*Myrica faya*).
Pepper tree (*Schinus molle*).
Cactus (*Opuntia megaxantha*).
Java plum (*Eugenia cumini*).
Christmas berry (*Schinus terebinthifolius*).
Cat's claw (*Caesalpinia sepiaria*).
Aalii (*Dodonaea eriocarpa*).
Joea (*Stachytarpheta cayennensis*).
Lantana (*Lantana camara*).
Walawi (*Psidium cattleianum* var. *lucidum*).
Pamakani (*Eupatorium adenophorum*).
Puakeawe (*Styphella tamelamelae*).
Sacramento bur (*Triumfetta semitriloba*).
Staghorn fern (*Gleichenia linearis*).
Apple of Sodom (*Solanum sodomaeum*).
Black wattle (*Acacia decurrens*).
Gorse (*Ulex europaeus*).
Blackberry (*Rubus penetrans*).

Maximum Federal cost-share. (a) 50 percent of the average cost of State Office approved chemicals, but not in excess of \$2 per acre per application.

(b) 50 percent of the cost of grubbing labor, but not in excess of \$1 per acre per treatment.

§ 1105.552 *Practice 12: Initial application of organic mulch material to any cropland, orchardland, or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings, as well as macadamia nut husks and shells, will be eligible. At time of application, finely shredded material like bagasse and sawdust should lie at least 2 inches thick, medium fine material like coffee husks and wood shavings should lie at least 3 inches thick, and coarse material like pineapple trash and cane leaf trash should lie at least 6 inches thick. Re-

ceipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance.

Maximum Federal cost-share. (a) 50 percent of the cost of organic material at the farm, but not in excess of \$50 per acre treated with materials secured from outside the farm.

(b) \$2.50 per acre treated with material produced on the farm.

(c) 50 percent of cost at the farm of nitrogen fertilizer applied to crops in mulch, not in excess of 6 pounds nitrogen per ton of dry organic matter used in the applicable mulch.

§ 1105.553 *Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Installations in corrals, feed lots, and holding pens are not eligible. Receipts or invoices showing purchase of pipe used will be required to determine cost.

Maximum Federal cost-share. 25 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.554 *Practice 14. Construction of permanent artificial watersheds and/or storage tanks for accumulating water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water impounded or supplied is used for irrigation or domestic purposes. Construction for purposes of starting new grazing operations is not eligible. The practice is not applicable alone for corrals, feed lots, and holding pens. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) 25 percent of the cost of material used, other than concrete and rubble masonry.

(b) \$12 per cubic yard of concrete used.

(c) \$7 per cubic yard of rubble masonry used.

§ 1105.555 *Practice 15. Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens, corrals, and feed lots) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

Maximum Federal cost-share. (a) 25 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) \$0.05 per linear foot of rock wall, minimum dimensions of which shall be: height, 4 feet; base width, 36 inches; top width, 24 inches.

§ 1105.556 *Practice 16: Construction of dams, pits, or ponds for livestock water, including the enlargement of inadequate structures.* The development must contribute to a better distribution of grazing or better pasture management. Initial construction projects are not eligible for cost-sharing. Receipts or invoices showing purchase of material used in construction will be required by inspectors as evidence of cost. Earth fills should be constructed in accordance with supplemental specifications for "Small Earth Storage Dams," provided on request by SCS or ASC offices.

Maximum Federal cost-share. (a) \$0.14 per cubic yard of material moved.

(b) \$12 per cubic yard of concrete used.

(c) \$7 per cubic yard of rubble masonry used.

(d) 50 percent of the cost of fencing materials, pipe, and seeding or sodding the dam and filter strips.

§ 1105.557 *Practice 17 Constructing or lining dams, pits, and ponds for irrigation water.* The purpose of the practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No cost-sharing will be allowed for material moved in cleaning or maintaining a reservoir, or for dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) \$0.17 per cubic yard of earth material moved.

(b) \$14 per cubic yard of concrete used.

(c) \$8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and outlet gates.

(e) 50 percent of the average cost of seeding or sodding dams or filter strips.

(f) 50 percent of the average cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 1105.558 *Practice 18: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible technician. Receipts or invoices showing purchase of materials or equipment and records of labor employed will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) \$0.12 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals. No cost-sharing will be given for cleaning a ditch.

(b) Lining ditches or reservoirs:

(1) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(2) \$14 per cubic yard of concrete used.

(3) \$8.50 per cubic yard of rubble masonry used.

(c) Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe. No cost-sharing will be given for repairs or replacements of existing structures.

(1) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry, but excluding forms.

(2) \$14 per cubic yard of concrete used.

(3) \$8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and fittings used for sprinkler irrigation. No cost-sharing will be allowed for repairs or replacements of existing structures. Total cost-share for portable pipe and fittings under this item shall not exceed \$100 per acre of reorganized irrigation.

§ 1105.559 *Practice 19: Construction or enlargement of permanent open drainage systems to dispose of excess water on farmlands under cultivation or on pasturelands.* No cost will be shared for material moved in cleaning or maintaining a ditch, or for structures installed for crossings or for other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. (a) \$0.12 per cubic yard of material moved.

(b) \$14 per cubic yard of concrete used.

(c) \$8.50 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and rights-of-way, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(e) 50 percent of the cost of materials and labor in dynamiting holes in pahoehoe type lava rock.

§ 1105.560 *Practice 20: Initial establishment of a stand of trees or shrubs on farmland for wind or water erosion control, watershed protection, or forestry purposes.* Plantings must be protected from fire and grazing. Fencing newly planted trees under this practice for protection against grazing is eligible for cost-sharing only if construction specifications in § 1105.555 (practice 15) are employed. Recommended species of trees are those listed in table 11 of Board of Agriculture and Forestry Biennial Report, June 30, 1952.

Maximum Federal cost-share. \$4 per 100 trees.

§ 1105.561 *Practice 21. Installation of facilities for sprinkler irrigation of permanent pasture on sloping land for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against overgrazing and erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture on sloping land. The installation must be in accordance with a written plan approved by the responsible technician.

Maximum Federal cost-share. 50 percent of the cost at the farm of all necessary pipes and fittings, but not in excess of \$100 per acre irrigated by the installation.

§ 1105.562 *Practice 22: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for shaping or grading performed through farming operations connected with land preparation for planting or cultivating crops. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of cost of shaping or grading.

§ 1105.563 *Practice 23: Streambank or shore protection, channel clearance, enlargement or realignment, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. 50 percent of cost of construction and protective measures.

§ 1105.564 *Practice 24: Initial establishment of contour operations on non-terraced unirrigated land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

Maximum Federal cost-share. \$3 per acre established in contour farming during the year.

§ 1105.565 *Practice 25: Initial establishment of cross-slope stripcropping to protect soil from water or wind erosion.* All cultural operations, including row crop planting, must be performed across the prevailing slope.

Maximum Federal cost-share. \$3 per acre established in cross-slope stripcropping during the year.

Done at Washington, D. C., this 22d day of July 1955.

[SEAL]

E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 55-6077; Filed, July 26, 1955;
8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Reg., Amdt. 43-1, Correction]

PART 43—GENERAL OPERATION RULES

ADDITIONAL INSTRUMENTS FOR IFR OPERATIONS; CORRECTION OF EFFECTIVE DATE

The effective date of this amendment (20 F. R. 5312) should have read "August 1, 1956"

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6129; Filed, July 26, 1955;
10:01 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 154]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

VOR/DME PROCEDURES DETERMINATION

The material contained in § 609.5 (h), Part 609, Regulations of the Administrator, is designed to provide a criteria for the use of personnel preparing instrument approach procedures which utilize both DME and VOR. All pertinent sections of Part 609 which apply to VOR are equally applicable to a VOR/DME approach and this paragraph provides additional benefits with reductions in altitudes and areas by the use of DME as a fix. It also provides for the use of DME as navigational guidance during an orbiting procedure in which the distance information is held constant to fly a predetermined track around the station. In orbiting, the limiting fix becomes a VOR radial.

The proposed rules were published on June 23, 1955, in 20 F. R. 4421, interested persons were afforded an opportunity to submit written data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules are hereby adopted:

1. Section 609.5, paragraph (h) is added to read:

§ 609.5 *Low and medium frequency range, ADF and VOR procedures.* * * *

(h) *VOR/DME procedures determination—(1) General—(i) VOR/DME establishment.* VOR/DME procedures are established to facilitate an instrument approach along an orbit and/or radial established by a VOR/DME facility. The criteria outlined in this paragraph will be adhered to when using VOR/DME for an instrument approach.

(ii) *VOR/DME use.* Distance measuring equipment (DME) provides the distance from the DME facility to the aircraft. VOR provides course guidance. VOR and DME may be used independently or jointly.

(iii) *VOR/DME equipment.* Procedures utilizing DME are predicated upon air-borne interrogators accurate within 3 percent of the distance or $\pm 1/2$ mile, whichever is greater. Use of less accurate equipment will not provide the required margin of safety in the use of these procedures.

(iv) *Numbering of procedures.* (a) The No. 1 procedure will be a VOR/DME approach procedure established from the facility direct to the airport, or to a runway if a straight-in approach is possible.

(b) The No. 2 procedure will be an approach from a DME fix along the radial which passes over the airport or runway, and the flight is conducted toward the facility (back course approach)

(c) Other orbiting procedures (DME used for course guidance) may be established in addition to the No. 1 and No. 2 procedures if operationally feasible and if such orbiting procedures will provide straight-in approaches to desired runways.

(2) *Initial approach to DME orbit.* When an initial approach to a facility intersects a DME orbit within the limit-

ing angles and distances shown in figure "A", an approach may be executed upon this orbit. When an initial approach lies outside these limits, a procedure will be established so that the aircraft will overhead the facility before proceeding to an orbit.

(i) *Determination.* The initial approach radial provides an intersection with a DME arc and determines the straight-in distance to the runway along the final approach orbit. The maximum length of the final approach orbit in degrees, in relation to such runway distance, is as follows:

- (a) Not more than 135 degrees for distances of 5 nautical miles or less,
- (b) Not more than 120 degrees between 5 and 10 nautical miles,
- (c) Not more than 105 degrees between 10 and 15 nautical miles, and
- (d) Not more than 90 degrees over 15 nautical miles.

(e) Approaches to facilities along routes outside these angles and limiting distances will be made to the VOR facility in accordance with other approved criteria. For example, transition "B" and "D", in figure "A" are established for both orbiting and standard procedure transition. "A" would be established to the facility and "B" could be used for a back course and/or an approach to the facility.

(ii) *Altitudes on initial approach—(a) More than twelve nautical miles.* A clearance of at least 1,000 feet above all obstructions will be provided until within twelve nautical miles of the VOR/DME facility for a distance of 4.34 nautical miles on each side of course.

(b) *Twelve nautical miles and less.* A clearance of at least 500 feet above all obstructions will be provided from a point twelve nautical miles and less from the VOR/DME facility to the intersection of the DME orbit, for a distance of 4.34 nautical miles each side of course.

(3) *DME final approach orbit—(i) Determination.* A final orbiting approach is conducted upon an arc terminated by the reference line (the radial passing over the approach end of the desired runway) on one end, and the DME final approach radial at the other end.

(ii) *Limiting factors in DME orbit.* (a) Orbiting procedures will not normally be established with less than an arc of four nautical miles radius. This is necessary in order to minimize the rate of turn and amount of bank required on final approach.

(b) Distance to runway from point of intersection: Normally the fix at the start of the DME approach orbit will be at least four nautical miles from the approach end of the runway used.

(c) Longitudinal buffer distance: When a DME fix is used to afford a reduction in altitude and/or to provide information as having passed an obstruction, the DME fix will be established at least 1½ miles beyond the obstruction or 10 percent of the distance to the facility whichever is greater.

(iii) *Use of fixes.* Since radials intersecting the DME orbit form continuous VOR/DME fixes, reductions in altitude as distance to the approach end of the runway decrease will be established in

accordance with subdivision (iv) of this subparagraph.

(iv) *Altitudes.* For that portion of the final approach of the DME orbit lying between the DME fix and the approach end of the desired runway, a minimum lateral obstruction clearance of two nautical miles on each side of the final approach orbit will be provided, as follows:

- (a) Seven nautical miles and less, a clearance of 300 feet,

(b) Over seven nautical miles to ten nautical miles, a clearance of 400 feet,

(c) Over ten to twelve nautical miles a clearance of 500 feet, and

(d) More than twelve nautical miles, a clearance of 1,000 feet.

(4) *Missed approach procedures.* One or more missed approach procedures will be formulated for each direction of approach, and will correspond with the L/MF ADF or VOR criteria or procedures insofar as possible.

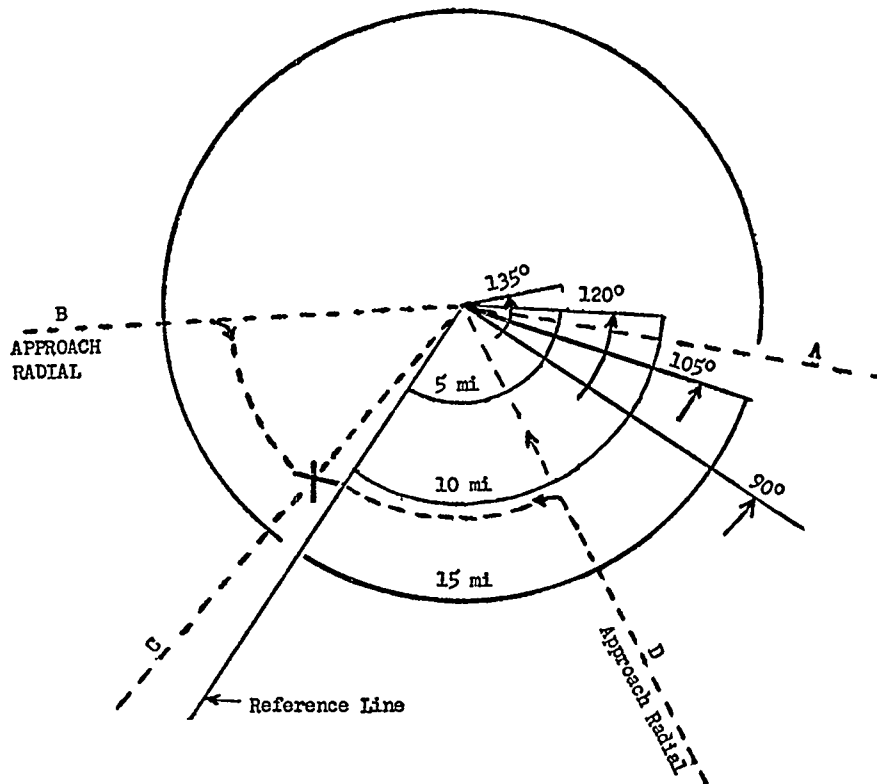


FIGURE A.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment will become effective August 23, 1955.

[SEAL]

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 55-6039; Filed, July 26, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 36]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT ALUMINUM SCRAP AND REMELT INGOTS

Section 373.71 *Supplement 1. Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following submission dates for the third quarter, 1955:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, third quarter, 1955
630050	Aluminum scrap (new and old)	Before Sept. 1, 1955.
630070	Aluminum remelt ingots	

This amendment shall become effective as of July 27, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,

Director,

Bureau of Foreign Commerce.

[F. R. Doc. 55-6058; Filed, July 26, 1955; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1193]

[Misc. 1791]

CALIFORNIA

AMENDING PUBLIC LAND ORDER NO. 586 OF MAY 20, 1949, WHICH WITHDREW LANDS FOR USE OF THE DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 586 of May 20, 1949, withdrawing public lands for use in the construction of the Pine Flat Dam and Reservoir Project, California, under the supervision of the Department of the Army, as authorized by the act of December 22, 1944 (58 Stat. 887, 901) is hereby amended by deleting therefrom the following paragraph:

It is intended that the public lands described herein shall be returned to the administration of the Department of Agriculture and the Department of the Interior, according to their respective interests, when they are no longer needed for the purpose for which they are reserved.

ORME LEWIS,

Assistant Secretary of the Interior.

JULY 21, 1955.

[F. R. Doc. 55-6041; Filed, July 26, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[FCC 55-805; Rules Amdt. 3-53]

PART 3—RADIO BROADCAST SERVICES

STATION AND OPERATOR LICENSES; POSTING OF

In the matter of amendment of §§ 3.164, 3.264 and 3.564 of the Commission's Rules and Regulations.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July 1955;

2. The Commission's rules governing Standard and FM broadcast stations require that station and operator licenses be posted in the transmitter control room. However, strict adherence to the terms of the rule presents a problem for stations that operate for a portion of the day by remote control and in a normal fashion at other times; since for a part of the day, the transmitter is controlled from a remote point while the rest of the time it is controlled by an operator in attendance at the transmitter. Under the terms of the present rule, the licenses would have to be posted at the remote control point for a part of the

time and at the transmitter for the rest of the time.

3. It was not the Commission's intent in adopting the above provisions to require that station licenses be moved from place to place. Therefore the above rules are being amended to provide that the original station license should be posted at the point the licensee considers to be the main control point, and that a photo copy should be posted at all other control points.

4. We are also amending the rules to permit a restricted radio-telephone operator to post either his operator's permit or FCC Form 759 in the room in which he is on duty. In many instances the operator may have need for his permit at places other than at the broadcast station; since he may, in accordance with the applicable rules, operate transmitters other than broadcast when he is not on duty at the broadcast station. It is believed that the amendment we are now adopting will provide for such situations.

5. Since the amendments herein are interpretative in nature, prior notice of rule making is not necessary.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (l), 301, and 303 (r) of the Communications Act of 1934, as amended.

7. *It is ordered*, That, effective August 31, 1955, §§ 3.164, 3.264 and 3.564 are amended to read as follows:

§ 3.164 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible, at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed on the station authorization, a photocopy of the station license and other instruments of station authorization shall be posted.

(b) The original operator license, or FCC Form 759 of each station operator shall be posted at the place where he is on duty as an operator.

§ 3.264 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible, at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed on the station authorization, a photocopy of the station license and other instruments of station authorization shall be posted.

(b) The original operator license, or FCC Form 759, of each station operator shall be posted at the place where he is on duty as an operator.

§ 3.564 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible, at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed on the station authorization, a photocopy of the station license

and other instruments of station authorization shall be posted.

(b) The original operator license, or FCC Form 759, of each station operator shall be posted at the place where he is on duty as an operator.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply secs. 391, 393; 43 Stat. 1631, 1632; 47 U. S. C. 391, 393)

Released: July 22, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6061; Filed, July 26, 1955; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

MISCELLANEOUS AMENDMENTS

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to part II of the Act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of July A. D. 1955.

The matter of revision of certain sections contained in our rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities and agreements prescribed pursuant to Section 215 of the Interstate Commerce Act (49 CFR Part 174) being under consideration, and

It appearing that a notice, dated December 9, 1954, to the effect that certain revisions of the said rules and regulations were to be given consideration, was published in the FEDERAL REGISTER on January 5, 1955 (20 F. R. 138), pursuant to the provisions of section 4 of the Administrative Procedure Act; and that, no oral hearing concerning the matter under consideration being deemed necessary, after consideration of all written views and arguments received on or before the date specified in such notice, as extended upon request, revision of said rules and regulations is deemed justified and necessary.

It is ordered, That the titles and texts of § 174.7 (b-1), § 174.7 (e) § 174.8 (c), § 174.10 (c) and (d) be, and the same are hereby, deleted in their entirety.

It is further ordered, That § 174.4 *Brokers* be amended by inserting the words "firm or corporation" following the word "person" wherever it appears therein.

It is further ordered, That § 174.1, § 174.6, § 174.7, § 174.8 (a), § 174.9 and § 174.10 be revised so as to read, and that § 174.11 be added, as follows:

§ 174.1 *Surety bond, certificate of insurance, or other securities*—(a) *Property damage; public liability.* Except as provided in paragraph (c) of this section, no common or contract carrier subject to part II of the Interstate Commerce Act shall engage in interstate or foreign commerce, and no certificate or permit shall be issued to such a carrier or remain in force unless and until there shall have been filed with and accepted by the Commission a surety bond, certificate of insurance, proof of qualifications as a self-insurer, or other securities or agreements, in the amounts prescribed in § 174.2, conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance or use of motor vehicles in transportation subject to part II, Interstate Commerce Act, or for loss of or damage to property of others.

(b) *Common carriers, cargo insurance; exempt commodities.* Except as provided in paragraph (c) of this section, no common carrier by motor vehicle subject to part II of the Interstate Commerce Act shall engage in interstate or foreign commerce, nor shall any certificate be issued to such a carrier or remain in force unless and until there shall have been filed with and accepted by the Commission a surety bond, certificate of insurance, proof of qualifications as a self-insurer, or other securities or agreements in the amounts prescribed in § 174.2, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service: *Provided*, That the requirements of this paragraph shall not apply in connection with the transportation of the following commodities:

Ashes, wood or coal.
Bituminous concrete (also known as blacktop or amosite), including mixtures of asphalt paving.
Cement, dry, in containers or in bulk.
Cement building blocks.
Cinders, coal.
Coal.
Coke.
Commercial fertilizer.
Corn cobs.
Cottonseed hulls.
Fish scrap.
Forest products, viz: Logs, billets, or bolts, native wood, Canadian wood or Mexican pine; pulpwood, fuelwood, wood kindling; and wood sawdust or shavings (shingle tow) other than jewelers' or parafined.
Garbage.
Gravel, other than bird gravel.
Ice.
Iron ore.
Lime and limestone.
Lumber.
Manure.
Meat scraps.
Ores in bulk, including ore concentrates.
Peat moss.
Poles and piling, other than totem poles.
Salt, in bulk or in bags.
Sand, other than asbestos, bird, iron, monazite, processed, or tobacco sand.
Scrap iron.
Scrap steel.
Shells, clam, mussel, or oyster.
Slag, other than slag with commercial value for the further extraction of metals.

Slate, crushed or scrap.
Soil, earth, or marl, other than infusorial, diatomaceous, tripoli, or inoculated soil or earth.

Stone, unglazed and unmanufactured, including ground agricultural limestone.

Sugar beet pulp.

Sugar beets.

Water, other than mineral or prepared water.
Other materials or commodities, of low value, upon specific application to and approval by the Commission.

(c) *Carriers partially exempt; leased rights.* The requirements of paragraphs (a) and (b) of this section shall not apply to motor carrier operations partially exempt from regulation by sections 202 (c) and 203 (b) (49 U. S. C. 302 (c) and 303 (b)) or to motor carriers which have, with the approval of the Commission, leased their entire operating rights to others, but only so long as the lessee of such rights, with the approval of the Commission, continues such operations. Lessors may not resume operations unless and until full compliance is effected.

(d) *Continuing compliance required.* Such security as is accepted by the Commission in accordance with the requirements of sections 211 (c) and 215 of part II, Interstate Commerce Act, shall remain in effect at all times.

§ 174.6 *Bonds and certificates of insurance.* Each certificate of insurance or surety bond filed with the Commission must be for the full limits of liability required under these sections: *Provided*, That only corporations or companies approved by the Commission may qualify to act as surety.

§ 174.7 *Forms and procedure*—(a) *Forms of endorsements, cancellation notices, etc.* Endorsements for policies of insurance, and surety bonds, certificates of insurance, applications to qualify as a self-insurer, or for approval of other securities or agreements, notices of cancellation and notices to rescind cancellation or reinstate policies of insurance and surety bonds must be in the form prescribed and approved by the Commission.

(b) *Filing of certificates of insurance and cancellation notices, etc.* Certificates of insurance, surety bonds, notices of cancellation and notices to rescind cancellation or reinstate policies of insurance or surety bonds must be filed with the Commission in triplicate.

(c) *Name of insured.* Certificates of insurance and surety bonds shall be issued in the full and correct name of the individual, partnership, corporation or other person to whom the certificate, permit, or license is, or is to be, issued. In the case of a partnership all partners shall be named.

(d) *Cancellation notice.* Surety bonds, certificates of insurance and other securities and agreements shall not be cancelled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, broker or other party thereto, as the case may be, has first been given to the Commission at its office in Washington, D. C., which period of thirty (30) days shall commence to run from the date such notice is actually received at the office of the Commission.

However, such surety bonds, certificates of insurance and other securities and agreements may be cancelled prior to the expiration of the said thirty days if, on or before the date notice of cancellation is received, a replacement filing acceptable to the Commission shall have been received, such replacement being effective on or before the effective date of such cancellation. No cancellation may become effective before the date of receipt of such notice by the Commission.

§ 174.8 *Insurance and surety companies; authorized*—(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these sections unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate or surety bonds, as the case may be, in each state in which the motor carrier is authorized to operate under part II of the Interstate Commerce Act and such company fully complies with paragraph (b) of this section: *Provided, however*, That in lieu of the licensing requirement with respect to any State, except that in which the motor carrier has its principal place of business or domicile, the company may file with the Commission a designation in writing of the name and post office address of a person in each such State, upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought against such company. Such designation may from time to time be changed by like designation similarly filed, but shall be maintained during the effectiveness of any certificate of insurance or surety bond issued by the company, and thereafter with respect to any claims arising during the effectiveness of such certificate or bond.

§ 174.9 *Refusal to accept, or revocation by Commission of surety bond, etc.* The Commission may, at any time refuse to accept or may revoke its acceptance of any surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements if, in its judgment such security does not comply with these sections or for any reason fails to provide satisfactory or adequate protection for the public. Revocation of acceptance of any certificate of insurance, surety bond or other security shall not relieve the motor carrier from compliance with § 174.1 (d)

§ 174.10 *Fiduciaries*—(a) *Insured and principal defined.* The terms "insured" and "principal" as used in certificates of insurance, surety bonds, notices of cancellation and notices to rescind cancellation or reinstate policies of insurance or surety bonds filed by or in behalf of motor carriers under these sections shall be construed to include not only the motor carrier named in the certificate, surety bond, notice of cancellation or notice to rescind cancellation or reinstate policy of insurance or surety bond, but also the fiduciary of such motor carrier as defined in § 179.3 of this sub-

chapter. The coverage of fiduciaries provided for in this section shall attach at the moment of succession of such fiduciaries.

(b) *Insurance coverage in behalf of fiduciaries to apply concurrently.* The coverage furnished under the provisions of this section on behalf of fiduciaries shall not apply subsequent to the effective date of other insurance, or other security, filed with and approved by the Commission in behalf of such fiduciaries. After the coverage provided in this section shall have been in effect thirty (30) days, it may be cancelled or withdrawn within the succeeding period of thirty (30) days by the insurer, the insured, the surety, or the principal upon ten (10) days' notice in writing to the Commission at its office in Washington, D. C., which period of ten (10) days shall commence to run from the date such notice is actually received by the Commission. After such coverage has been in effect for a total of sixty (60) days, it may be cancelled or withdrawn only in accordance with § 174.7.

§ 174.11 *Operations in foreign commerce.* No motor carrier (as defined below) may operate in the United States in the course of transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country unless and until there shall have been filed with and

accepted by the Commission a certificate of insurance, surety bond, proof of qualifications as a self-insurer, or other securities or agreements in the amount prescribed in § 174.2 (a), conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles in transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, insofar as such transportation takes place in the United States, or for loss of or damage to property of others. The security for the protection of the public required by this section shall be maintained in effect at all times and shall be subject to the provisions of §§ 174.5 to 174.10; *Provided*, That the requirements of § 174.8 (a) shall be satisfied if the insurance or surety company, in addition to having been approved by this Commission, is legally authorized to issue policies or surety bonds in all of the states in or through which the motor carrier operates, or if the company is legally authorized to issue policies or surety bonds in one of such states and has filed with this Commission the name and address of a person in each of such other states in which it is not authorized to issue such policies or bonds upon whom legal process may be served. Such designation may from time to time be changed by

like designation similarly filed, but shall be maintained during the effectiveness of any certificate of insurance or surety bond issued by the company, and thereafter with respect to any claims arising during the effectiveness of such certificate or bond. The term "motor carrier" as used in this section means any corporation, firm, partnership or individual who transports persons or property by motor vehicle, for compensation, or who transports property of which he is owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

It is further ordered, That this order shall become effective November 1, 1955, and shall remain in effect until it is otherwise ordered by this Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(43 Stat. 545 as amended, 49 U. S. C. 304. Interpret or apply 49 Stat. 554 as amended 557, 49 U. S. C. 311, 315)

By the Commission, Division 1.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[P. R. Doc. 55-6955; Filed, July 26, 1955; 8:43 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO-212-A10]

MILK IN MILWAUKEE, WISCONSIN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Milwaukee, Wisconsin, on June 15 and 16, 1955, pursuant to notice thereof which was issued on June 8, 1955 (20 F. R. 4140).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 7, 1955 (20 F. R. 4959), filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision with respect to certain issues, and an opportunity to file written exceptions thereto.

The material issues, findings and conclusions, and general findings, of the recommended decision (20 F. R. 4959; F. R. Doc. 55-5592) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

Determination of representative period. The month of May 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and pro-

cedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order set forth below which will be published with this decision.

Issued at Washington, D. C., this 22d day of July 1955.

[SEAL]

E. L. PETERSON,
Assistant Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 907.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

nations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby amended as follows:

1. In § 907.51 (a) delete the words "current supply-demand ratio" and the words "supply-demand ratio" and substitute therefor, in both instances, the words "adjusted supply-demand ratio"

2. In § 907.51 (a) delete the words "3 cents" and substitute the words "2 cents"

3. In § 907.51 (e) delete subparagraph (4) and substitute the following:

(4) If the current supply-demand ratio is greater or less than the current supply-demand ratio computed by the market administrator during the third delivery period immediately preceding, add or subtract the difference, respectively, to or from the percentage computed pursuant to subparagraph (3) of this paragraph. The result is the "adjusted supply-demand ratio" and if the current supply-demand ratio does not differ from that computed during the third delivery period preceding, the cur-

rent supply-demand ratio shall be the, "adjusted supply-demand ratio"

[F. R. Doc. 55-6050; Filed, July 26, 1955; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR TOLERANCES OF RESIDUES OF SULPHENONE (p-CHLOROPHENYL PHENYL SULFONE)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U. S. C.

346a (d) (1)), the following notice is issued:

A petition has been filed by Stauffer Chemical Company, 380 Madison Avenue, New York, New York, requesting the establishment of a tolerance of 15 parts per million for residues of Sulphenone (p-chlorophenyl phenyl sulfone) on apples, peaches, and pears.

The analytical method set out in the petition is based on stripping the Sulphenone residues with isooctane solvent, then eliminating interfering substances by chromatographic separation and estimation of the Sulphenone by ultraviolet spectroscopy.

Dated: July 21, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-6057; Filed, July 20, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order No. 90 (Amended)]

NATIONAL BUREAU OF STANDARDS

ORGANIZATION AND FUNCTIONS

JULY 8, 1955.

The material appearing in 19 F. R. 234-235 and 19 F. R. 4974 is superseded by the following:

SECTION 1. Purpose. The purpose of this order is to describe the organization and define the functions of the National Bureau of Standards.

SEC. 2. Organization. .01 The National Bureau of Standards, established by the act of March 3, 1901 (31 Stat. 1449; 15 U. S. C. 271) is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Director appointed by the President with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The National Bureau of Standards shall be constituted as follows:

Office of the Director:

Director.
Associate Director for Chemistry.
Associate Director for Physics.
Associate Director for Testing.
Associate Director for Administration.
Director, Boulder Laboratories.

Scientific divisions at headquarters, reporting to the Director through Associate Directors as assigned:

Electricity and electronics.
Optics and metrology.
Heat and power.
Atomic and radiation physics.
Chemistry.
Mechanics.
Organic and fibrous materials.
Metallurgy.
Mineral products.
Building technology.
Applied mathematics.
Data processing systems.

Divisions in the field reporting to the Director, Boulder Laboratories:
Cryogenic Engineering.
Radio propagation physics.
Radio propagation engineering.
Radio standards.
Administration.

Technical Staff Offices reporting to the Director or an Associate Director:
Office of Publications.
Office of Weights and Measures.
Office of Basic Instrumentation.
Office of Technical Information.

Service divisions reporting to the Associate Director for Administration:
Accounting.
Personnel.
Administrative services.
Shops.
Supply.
Management planning.
Budget.
Plant.

A chart depicting the organization is attached as Exhibit I.¹

SEC. 3. Delegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby delegated the authorities and powers assigned to the Secretary by Title 15, Chapters 6 and 7, U. S. Code, or by any subsequent legislation with respect to physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate and authorize the successive relegation of the authority granted herein to any employee of the Bureau and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. General functions. .01 The basic functions of the National Bureau of Standards are (a) development and maintenance of the national standards

¹ Filed as part of the original document.

of measurement, and the provision of means for making measurements consistent with those standards; (b) determination of physical constants and properties of materials; (c) development of methods for testing materials, mechanisms, and structures, and the making of such tests as may be necessary, particularly for Government agencies; (d) cooperation in the establishment of standard practices, incorporated in codes and specifications; (e) advisory service to Government agencies on scientific and technical problems; and (f) invention and development of devices to serve special needs of the Government.

.02 In carrying out these functions the Bureau is authorized to undertake the activities enumerated in Section 6.02 and similar activities for which the need may arise in the operation of Government agencies, scientific institutions and industrial enterprises.

SEC. 5. Functions of the Office of the Director. .01 The Director, subject to legal requirements and policy direction from the Secretary, Determines the policies of the National Bureau of Standards and directs the development and execution of its programs.

.02 The Associate Directors for Chemistry, Physics, Testing and Administration have the following combination of responsibilities:

(1) Generally assist the Director in the planning and policy direction of Bureau operations and the improvement of its management;

(2) Specifically coordinate for the Director designated functions or specialized fields of activity throughout the Bureau;

(3) Provide on behalf of the Director necessary supervision of divisions and offices as assigned from time to time (see Exhibit I)

.03 In the absence of the Director, the Acting Director is automatically the first Associate available in the sequence listed in section 5.02.

.04 The Director, Boulder Laboratories, in addition to supervising the major field establishment of the Bureau, acts as an adviser to the Director on Bureau programs and operations.

SEC. 6. Functions of scientific divisions. .01 The general functions of the Bureau are carried out primarily by the scientific divisions with the technical offices and services assisting them.

.02 Each scientific division is authorized to engage in such of the following activities as are appropriate to its special functions; as indicated generally by division titles (see section 2.02)

(1) Research in engineering, mathematics, and physical sciences;

(2) Construction of physical standards;

(3) Testing, calibration and certification of standards and standard measuring apparatus;

(4) Improvement of instruments and means of measurement;

(5) Investigation and testing of scales for weighing commodities for interstate shipment;

(6) Cooperation with states in securing uniformity in weights and measures laws and methods;

(7) Provision of standard samples for checking basic properties of materials and provision of standard instruments for calibration of measuring equipment;

(8) Development of methods of chemical analysis and synthesis of materials, and investigation of properties of rare substances;

(9) Study of methods of producing and measuring high and low temperatures and the behavior of materials at such temperatures;

(10) Investigation of radiation, radioactive substances, and X-rays, together with their uses and means of protecting persons from their harmful effects;

(11) Study of the atomic and molecular structure of chemical elements;

(12) Broadcasting of radio signals of standard frequency;

(13) Investigation of conditions which affect the transmission of radio waves; and distribution of information for choice of frequencies to be used in radio operations;

(14) Study of new technical processes of fabricating materials in which the Government has a special interest; also, study of processes and methods of measurement used in manufacture of optical glass, pottery, tile and other clay products;

(15) Determination of properties of building materials and structural elements and encouragement of their standardization and most effective use, including fire prevention aspects;

(16) Metallurgical research, including study of alloy steel and light metal alloys; investigation of foundry and related practices; prevention of corrosion of metals and alloys, behavior of bearing metals; and development of standards for metals and sands;

(17) Operation of a laboratory of applied mathematics;

(18) Provision of general scientific and technical data resulting from the above activities or derived from other sources when such data are important to scientific or manufacturing interests or the general public and are not readily available elsewhere; and, demonstration of the results of the Bureau's work by exhibits and other means.

SEC. 7. Functions of technical staff offices. .01 While many technical services are obtained by scientific divisions from one another, certain service and coordinating activities are carried out by technical offices which report to the Director or to Associate Directors as assigned (Exhibit I)

.02 The Office of Publications provides library services and assistance in the preparation, scheduling, printing, and distribution of the Bureau's publications. This includes reference searching, staff assistance to Bureau Editorial Committees, art work, and related services leading to the publication of Bureau research results in its publication series and in outside scientific and technical journals.

.03 The Office of Weights and Measures develops model laws, rules, regulations, specifications, tolerances, and general administrative procedures, including testing apparatus and test methods and promotes adoption of these by State and local weights and measures jurisdictions. As a part of this activity, that Office serves as liaison between the States and technical staff of the National Bureau of Standards, and conducts an annual National Conference on Weights and Measures.

.04 The Office of Basic Instrumentation analyzes methods and devices for measurements of physical magnitude; coordinates Bureau projects in basic instrumentation; surveys all work in progress at the Bureau with regard to its applicability to existing or proposed instrumentation projects; arranges for the testing and evaluation of new instrument developments; stimulates and directs experimental studies of original ideas for improved means of measurements; and, arranges for preparation and dissemination of articles relating to instrumentation.

.05 The Office of Technical Information provides information on the Bureau's program and accomplishments to the public, other Government agencies, and non-governmental organizations interested in the Bureau's findings. This includes the coordination of technical reports prepared for agencies by Scientific Divisions, information for and liaison with the technical and scientific press, and staff responsibility for the preparation of technical films, news bulletins, and exhibits.

SEC. 8. Functions of the administrative divisions. .01 The central administrative divisions are responsible for their special functions and also for providing staff assistance to the Associate Director for Administration in carrying out his functions.

.02 The Accounting Division administers the official system of central fiscal records, payments and reports, conducts internal audits, and provides staff assistance on accounting and related matters.

.03 The Personnel Division advises on personnel policy and utilization and administers recruitment, placement, classification, training, and employee relations activities, assisting operating officials on these and other aspects of personnel management.

.04 The Administrative Services Division has staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and administers custodial functions, communication services, records management, duplicating service, test administration service, and local transportation service.

.05 The Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

.06 The Supply Division performs or facilitates procurement and distribution of materiel, keeps records and promotes effective utilization of property, and acts as the contracting office for all research, construction, supply, and lease contracts entered into by the Bureau.

.07 The Management Planning Division advises on all aspects of management not otherwise assigned, and provides staff assistance on the maintenance and improvement of organization and methods.

.08 The Budget Division advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds.

.09 The Plant Division maintains the physical plant at Washington, and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations.

Sec. 9. *Field operations.* .01 The major field activity of the Bureau is Boulder Laboratories whose divisional organization is given in section 2.02. The titles of these divisions are descriptive of the functions performed.

.02 In addition several scientific divisions have field establishments. For the most part, these contribute to the specific programs and projects of their corresponding headquarters divisions rather than perform special services for the public. Activities include concreting materials testing, lamp inspection, development and application of visual range meters, development of uniform standards for railway freight car weighing, and radio frequency and propagation testing and monitoring.

Sec. 10. *Effect on other orders.* This order supersedes Department Order No. 90 (Amended) of December 2, 1953, together with Amendment No. 1 of July 1, 1954. Any other orders or parts of orders the provisions of which are inconsistent or in conflict with this order are hereby amended or superseded accordingly.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-6040; Filed, July 26, 1955;
8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below. Conditions provided in

certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304)

Bestform Foundations of Pennsylvania, Inc., Baumer and Cherry Streets, Johnstown, Pa., effective 8-3-55 to 8-2-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Dowling Textile Manufacturing Co., McDonough, Ga., effective 7-13-55 to 7-12-56, 10 learners for normal labor turnover purposes (hospital apparel).

Hesteco Manufacturing Co., Inc., 40 South John Street, Hummelstown, Pa., effective 7-13-55 to 7-12-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Hollywood Corset Co., 109 East Commerce Street, Eastland, Tex., effective 7-25-55 to 7-24-56, 10 learners for normal labor turnover purposes (brassieres).

Henry I. Siegel Co., Inc., Hohenwald, Tenn., effective 7-11-55 to 7-10-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

Style-Rite Manufacturing Co., Inc., 200 East Second Street, Pana, Ill., effective 7-14-55 to 7-13-56, 10 learners for normal labor turnover purposes (dresses).

Style-Rite Manufacturing Co., Inc., 200 East Second Street, Pana, Ill., effective 7-14-55 to 1-13-56, 20 learners for plant expansion purposes (dresses).

I. Taitel & Son, Drew, Miss., effective 7-14-55 to 7-13-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' jackets).

Vidalia Garment Co., Ltd., Vidalia, Ga., effective 7-14-55 to 1-13-56, 35 learners for plant expansion purposes (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304)

Indianapolis Glove Co., Inc., Coshocton, Ohio, effective 8-3-55 to 8-2-56, 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss., effective 7-25-55 to 7-24-56, 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind., effective 7-25-55 to 7-24-56, 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Eaton, Ohio, effective 8-3-55 to 8-2-56, 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Indianapolis, Ind., effective 7-25-55 to 7-24-56, 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

Dutchess Underwear Corporation, Old Forge, Pa., effective 7-18-55 to 7-17-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Wonderknit Corp., Plant No. 1, East Virginia Street, Galax, Va., effective 7-13-55 to 7-12-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (knit shirts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304)

Malsak-Handler Shoe Co., Inc., Senath, Mo., effective 8-1-55 to 7-31-56, 10 percent of the total number of productive factory workers in the plant for normal labor turnover purposes (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645)

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Flora Manufacturing Corp., Guayama, P. R., effective 7-12-55 to 7-11-56, 6 learners in any one work day in the occupation of sewing machine operators, 100 hours at 30 cents an hour, 100 hours at 35 cents an hour and 100 hours at 40 cents an hour (blouses).

McKinley Mills, Inc., Mayaguez, P. R., effective 7-12-55 to 1-11-56, 10 learners in any one work day in the following occupations: finger knitting, finger closing and mending; each 480 hours at 30 cents an hour (knitted gloves) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of July 1955.

MILTON BROOKE,
Authorized Representative
of the Administrator

[F. R. Doc. 55-6007; Filed, July 26, 1955;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7218; Order No. E-0426]

WEST COAST AIRLINES, INC.

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE¹

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 22d day of July 1955.

In the matter of the application of West Coast Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 77; Docket No. 7218.

¹ This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

West Coast Airlines, Inc. (West Coast) on June 15, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act) requesting the Board to issue West Coast a certificate of public convenience and necessity of unlimited duration for route No. 77 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the Act (effective May 19, 1955) provides:

If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: Provided, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time.

West Coast alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the Act by reason of the fact that its president and each of its managing officers are citizens of the United States and more than 75 percent of the authorized and outstanding capital stock of the applicant and all voting interest therein is owned and controlled by persons who are citizens of the United States. Proof of these facts has been submitted by West Coast in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

West Coast further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953 to the date of its application under a temporary certificate of public convenience and necessity for route No. 77 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that West Coast has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the Act requires in effect that the Board find as a prerequisite to the granting of a certificate

of unlimited duration to West Coast that the service rendered by West Coast during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed June 15, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from March 13, 1952, the date of West Coast's last certificate, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the Act.

West Coast further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Klamath Falls, Oreg.
Medford, Oreg.
Roseburg, Oreg.
North Bend-Coos Bay, Oreg.
Eugene, Oreg.
Albany-Corvallis, Oreg.
Portland, Oreg.
Chehalis-Centralia, Wash.
Olympia, Wash.
Tacoma, Wash.
Seattle, Wash.
Astoria, Oreg.
Aberdeen-Hoquiam, Wash.
Port Angeles, Wash.
Ellensburg, Wash.
Yakima, Wash.
Pasco-Kennewick-Richland, Wash.
Wenatchee, Wash.
Ephrata-Moses Lake, Wash.
Spokane, Wash.
Coeur d'Alene, Idaho.
Pullman, Washington-Mercer, Idaho.
Lewiston, Idaho-Clarkston, Wash.
Walla Walla, Wash.
Pendleton, Oreg.
La Grande, Oreg.
Baker, Oreg.
Ontario, Oregon-Payette, Idaho.
McCall, Idaho.*
Boise, Idaho.
Twin Falls, Idaho.
Burley-Rupert, Idaho.
Pocatello, Idaho.
Idaho Falls, Idaho.

West Coast was authorized to provide air service to McCall, Idaho, as an intermediate point between Lewiston/Clarkston and Boise for the period June 15 to September 15, 1954, pursuant to temporary exemption. (Order No. E-8288, April 23, 1954) Similar authority for the same period in 1955 has been granted (Order No. E-9100, April 15, 1955) Although McCall was not served during the period May 19, 1955, to the date of West Coast's application, we believe the point is eligible for certification in the present proceeding as a point continuously served during the period of its seasonal authorization. Since the purpose of the amendment to the Act appears to be the desire of Congress to preserve services as previously operated, we do not believe section 401 (e) (3) should be interpreted to exclude points

* Seasonal operation.

continuously served on a seasonal basis during particular months of the year which do not coincide with the period established by the Act, namely May 19, 1955, to June 15, 1955. See Mayflower Airlines, Inc.—Grandfather Certificate, 2 CAB 175 (1940).

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to June 15, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to West Coast (which is attached as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is attached as Appendixes A and B grants West Coast permanent authority at those intermediate stations shown in Appendixes C, D, and E to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by West Coast during the period May 19, 1955, to June 15, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each West

Coast intermediate point for the calendar year 1954 and for the twelve months ended March 31, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve months ended March 31, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the act a point named in the certificate of public convenience and necessity issued to West Coast, but which point has never been served by West Coast, is not eligible for inclusion as a point in any certificate that may be issued to West Coast pursuant to said section of the act.

As hereinafter set forth in this order, the Board is making a finding consistent with the above tentative conclusion as to the point Tacoma, Washington.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to section 205 of the Board's Economic Regulations, a temporary suspension of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary suspension of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served during the period from May 19, 1955, to June 15, 1955.

Thus, this order will provide that West Coast will be required to show cause why Olympia, Washington, should not be certificated as a point on segment 2 only and why Coeur d'Alene, Idaho, should not be certificated as a point on segment 6 only.

The Board further concludes that a point heretofore authorized to be served upon one certain segment of West Coast's route No. 77 may not be authorized to be further served upon an additional segment of said route pursuant to the provisions of section 401 (e) (3) of the act.

Thus, the certificate which the Board proposes to issue to West Coast pursuant to section 401 (e) (3) of the act, which certificate is attached hereto as Appendixes A and B does not designate Ellensburg, Washington, as a point on segment 8 of the route requested by the carrier's

application filed pursuant to section 401 (e) (3) of the act.

The Board further tentatively concludes that where since the last certificate issued to this carrier (1) the Board has authorized West Coast, by exemption, to provide service to additional points; or (2) the Board has authorized West Coast, by exemption, to provide service between points named in such certificate on segments different from that designated in the certificate; the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemptions during the period from May 19, 1955, to June 15, 1955.

Thus, the Board proposes to require the carrier to show cause why McCall, Idaho, should not be temporarily certificated to be served on a seasonal basis, and why the service between the points Pasco-Kennewick-Richland and Spokane, Washington, should not be certificated in the manner service was performed during the period from May 19, 1955, to June 15, 1955.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to West Coast may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

Thus, the certificate which the Board proposes to issue to West Coast under section 401 (e) (3) of the act which certificate is attached hereto as Appendixes A and B does not include the terms and conditions requested by the carrier in paragraph 8, sub-paragraph 1, to begin and terminate trips at points short of terminal points on all segments; and those requested by sub-paragraph 5, of its application filed June 15, 1955, under section 401 (e) (3) of the act, which terms and conditions, if included, would expand the carrier's authority.

The Board does not believe that authority granted to West Coast pursuant to section 202.4 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to West Coast pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern authorizations in a single order, a draft of which is attached hereto as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by West Coast during the period from May 19, 1955, to June 15, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully pro-

tecting the interests of all interested persons. We are requiring West Coast to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form attached hereto as Appendixes A and B. After allowing interested persons a reasonable period within which to submit objections to the Board's order, West Coast's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. West Coast and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,* so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F⁴ hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. West Coast is a citizen of the United States of America as defined by section 1 (13) of the act by reason of the fact that its president and each of its managing officers are citizens of the United States and more than 75 percent of the authorized and outstanding capital stock of West Coast and all voting interest therein is owned and controlled by persons who are citizens of the United States.

2. From January 1, 1953, to June 15, 1955, West Coast was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which West Coast had no control)

3. West Coast has continuously served the following terminal and intermediate points during the period from May 19, 1955, to June 15, 1955.

Klamath Falls, Ore.
Medford, Ore.
Roseburg, Ore.
North Bend-Coos Bay, Ore.

* We will also officially notice the Origination-Destination Airline Revenue Passenger Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

⁴ Filed as part of the original document.

Eugene, Oreg.
 Albany-Corvallis, Oreg.
 Portland, Oreg.
 Chehalis-Centralia, Wash.
 Olympia, Wash.
 Seattle, Wash.
 Astoria, Oreg.
 Aberdeen-Hoquiam, Wash.
 Port Angeles, Wash.
 Ellensburg, Wash.
 Yakima, Wash.
 Pasco-Kennewick-Richland, Wash.
 Wenatchee, Wash.
 Ephrata-Moses Lake, Wash.
 Spokane, Wash.
 Coeur d'Alene, Idaho.
 Pullman, Washington-Moscow, Idaho.
 Lewiston, Idaho-Clarkston, Wash.
 Walla Walla, Wash.
 Pendleton, Oreg.
 La Grande, Oreg.
 Baker, Oreg.
 Ontario, Oregon-Payette, Idaho.
 Boise, Idaho.
 Twin Falls, Idaho.
 Burley-Rupert, Idaho.
 Pocatello, Idaho.
 Idaho Falls, Idaho.

4. West Coast has continuously served, the intermediate point McCall, Idaho, during the period of its seasonal authorization and McCall is a point eligible for temporary certification on a seasonal basis pursuant to section 401 (e) (3) of the act.

5. That the service rendered by West Coast during the period from March 13, 1952, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

6. The public convenience and necessity require the certification for a period of unlimited duration of the following intermediate points on West Coast's route No. 77 which, on the basis of the most recent available data, have generated an average of five or more enplaned passengers per day:

(a) On West Coast's segment 1, the intermediate points Medford, Roseburg, North Bend-Coos Bay, Eugene and Albany-Corvallis, Oreg.,

(b) On segment 2, the intermediate point Olympia, Wash.,

(c) On segment 3, the intermediate points Astoria, Oreg., and Aberdeen-Hoquiam, Wash.,

(d) On segment 5, the intermediate points Pocatello and Twin Falls, Idaho;

(e) On segment 6, the intermediate points Walla Walla, Wash., Lewiston, Idaho-Clarkston, Wash., and Pullman, Wash.-Moscow, Idaho;

(f) On segment 7, the intermediate points Yakima and Pasco-Kennewick-Richland, Wash.;

(g) On segment 8, the intermediate points Yakima, Wenatchee, and Ephrata-Moses Lake, Wash.

7. The public convenience and necessity do not at this time require the certification for a period of unlimited duration of the following intermediate points which, on the basis of the most recent available data, have generated less than an average of five enplaned passengers per day but the public convenience and necessity do require that each of the following points be temporarily certificated for a period of three years:

(a) On West Coast's segment 2, the intermediate point Chehalis-Centralia, Wash.,

(b) On segment 5, the intermediate point Burley-Rupert, Idaho;

(c) On segment 6, the intermediate points Ontario, Ore.-Payette, Idaho, Baker, La Grande and Pendleton, Oregon, and McCall, Idaho;

(d) On segment 7, the intermediate point Ellensburg, Wash.

8. West Coast's present authority to serve the intermediate point Tacoma, Wash., should not be included in the certificate to be issued in this proceeding for the reason that West Coast has never served this point and it is therefore not eligible for authorization under section 401 (e) (3) of the act. *Therefore it is ordered, That:*

1. West Coast is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form attached hereto as Appendix A, and further issue the proposed supplementary order in the form attached hereto as Appendix B.

2. West Coast and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on West Coast, the Mayor of Tacoma, Wash., the Mayor of McCall, Idaho, the Mayor of each city served by West Coast during the period May 19, 1955 to June 15, 1955, and every certificated air carrier serving a point served by West Coast during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
 Secretary.

APPENDIX A—CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

West Coast Airlines, Inc., is hereby authorized, subject to the provisions herein-after set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Klamath Falls, Oreg., the intermediate points Medford, Roseburg, North Bend-Coos Bay, Eugene, and Albany-Corvallis, Oreg., and the terminal point Portland, Oreg.;

2. Between the terminal point Portland, Oreg., the intermediate points Chehalis-Centralia, Olympia, Wash., and the terminal point Seattle, Wash.,

3. Between the terminal point Portland, Oreg., the intermediate points Astoria, Oreg., Aberdeen-Hoquiam, Wash., and the terminal point Seattle, Wash.,

4. Between the terminal point Seattle, Wash., and the terminal point Fort Angeles, Wash.,

5. Between the terminal point Idaho Falls, Idaho, the intermediate points Pocatello, Burley-Rupert, and Twin Falls, Idaho, and the terminal point Boise, Idaho;

6. Between the terminal point Boise, Idaho, the intermediate points Ontario, Oreg.-Payette, Idaho, Baker, La Grande, and Pendleton, Oreg., Walla Walla, Wash., McCall, Idaho, (to be served on a seasonal basis) Lewiston, Idaho-Clarkston, Wash., Pullman, Wash.-Moscow, Idaho, and the co-terminal points Spokane, Wash., and Coeur d'Alene, Idaho;

7. Between the terminal point Seattle, Wash., the intermediate points Ellensburg, Yakima, Pasco-Kennewick-Richland, Wash., and (a) beyond Pasco-Kennewick-Richland, Wash., the terminal point Walla Walla, Wash., and (b) beyond Pasco-Kennewick-Richland, Wash., the terminal point Spokane, Wash.

8. Between the terminal point Portland, Oreg., the intermediate points Yakima, Wenatchee, Ephrata-Moses Lake, Wash., and the terminal point Spokane, Wash.,

to be known as Route No. 77.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may on segments "5" "6", "7" and "8" begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip scheduled between the terminal points of segment "2" the holder shall schedule service to a minimum of one intermediate point on such segment.

(4) Except as otherwise provided herein, on each trip operated by the holder over all or part of any one of the eight numbered segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip, except a point or points with respect to which (i) the Board, pursuant to such procedures as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (ii) the holder is authorized by the Board to suspend service, or (iii) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(5) The authorization to serve Chehalis-Centralia and Ellensburg, Wash., Burley-Rupert and McCall, Idaho; Ontario, Oreg.-Payette, Idaho; and Baker, La Grande and Pendleton, Oreg. shall continue in effect up to and including _____.

(6) The holder shall serve McCall, Idaho, between June 15 and September 15 of each year only.

(7) The holder is authorized to render flag stop service by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property or mail on the aircraft destined for such point, and no such traffic available at such point for the flight at the scheduled time of departure: *Provided further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limita-

tions required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ----, 1955: *Provided, however* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----, 1955, (Order E-----) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ---- day of -----, 1955.

ROSS RIZLEY,
Chairman.

APPENDIX B—PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF CHANGE IN SERVICE PATTERN AND EXEMPTION AUTHORITY

The Board has by Order E-----, dated ----- 1955, granted a certificate of public convenience and necessity of unlimited duration to West Coast Airlines, Inc. (West Coast), to engage in air transportation with respect to persons, property and mail over route No. 77. By certain orders granting it changes in service pattern and by temporary exemption, West Coast has been authorized to conduct operations differing in certain particulars from the authority stated in the temporary certificate of public convenience and necessity issued to it, as amended, on April 27, 1953, by Order E-7337. Some of these authorizations are unlimited, while others by their terms would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 77. The reasons for issuance of the temporary authorizations appear to be still applicable to West Coast in its operation under the certificate of unlimited duration concurrently issued herewith. It appears to the Board that it is in the public interest and consistent with the Act to continue such authority in effect for an additional indefinite period of time. In extending such authorizations it appears desirable to include in one order, to become effective at the same time the aforesaid certificate becomes effective, all currently effective service pattern authorizations and all currently effective exemption authorizations which have been heretofore issued and not otherwise included in the certificate.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to Part 202.4 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the Act and of West Coast's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon West Coast by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest; and

2. That the enforcement of the condition in West Coast's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 77 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with West Coast's performance of a local or feeder air transportation service is not required by nor is it in the public interest; and

It is ordered:

1. That West Coast be and hereby is temporarily exempted from the provisions of 401 (a) of the Civil Aeronautics Act of 1938, as amended, and the terms and conditions of its certificate of public convenience and necessity insofar as they would otherwise:

(a) (i) Prevent West Coast from originating and terminating one daily round trip flight at North Bend-Coos Bay, Oreg., on segment 1 of route No. 77 in lieu of Klamath Falls, Oreg., and (ii) on said flight to serve Roseburg, Oreg., as an intermediate point between North Bend-Coos Bay, and Eugene, Oreg.; *Provided*, That West Coast shall schedule at least two daily round trip flights originating and terminating at Klamath Falls (Previously authorized by Order E-7201);

(b) Prevent West Coast from operating non-stop service between the intermediate point Lewiston, Idaho-Clarkston, Wash., and the terminal point Boise, Idaho on one daily round trip flight on segment 6, *Provided*, That West Coast provides a minimum service of one daily round trip flight over segment 6 and two daily round trip flights over segment 5, serving each of the terminal and intermediate points on the respective route segments; *And provided further* That the seasonal point, McCall, Idaho, shall be served as an intermediate point on West Coast's nonstop service between Lewiston-Clarkston, and Boise, between the dates specified in Condition (6) in the carrier's certificate (Previously authorized by Orders E-4595, E-6681, and E-9100); and

(c) Prevent West Coast from originating and terminating one round trip flight daily at Medford, Oreg., an intermediate point on segment 1 of route No. 77; *Provided*, That West Coast shall serve Klamath Falls, on said segment on at least 2 round trip flights daily (Previously authorized by Order E-7927);

2. That West Coast, consistent with the authority granted it by the change in service pattern ordered May 10, 1954, pursuant to which it has since conducted operations, be and hereby is authorized to omit service at Ellensburg, Wash., an intermediate point on segment 7 of route No. 77, on all flights in excess of one round trip per day at the said point (previously authorized by Order E-8332);

3. That authority thus previously granted by Orders E-4595, E-6681, E-9100, E-7201, E-7927, and E-8332, shall be terminated on the date of this order becomes effective;

4. That the exemption and change in service pattern authorizations granted herein shall become effective -----, concurrently with the effective date of the certificate issued to West Coast in Docket No. 7218; and,

5. That this order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-6078; Filed, July 26, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10722, 11395; FCC 55M-656]

ALVARADO BROADCASTING Co., Inc. (KOAT)

ORDER CONTINUING HEARING

In re applications of Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico, Docket No. 10722, File No. BP-8782, for construction permit; Alvarado Broadcasting Company, Inc. (KOAT) Albuquerque, New Mexico, Docket No. 11395, File No. BL-5399, for license to cover construction permit.

Upon concurrence of all counsel: *It is ordered*, This 20th day of July 1955, that the hearing now scheduled for July 25, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C., and that the time for exchange of exhibits is postponed from July 21 to September 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6063; Filed, July 20, 1955; 8:50 a. m.]

[Docket No. 11004; FCC 55M-662]

OHIO VALLEY BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re application of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT-849; for a construction permit for a new television broadcast station.

It is ordered, This 20th day of July 1955, that Elizabeth C. Smith is assigned to preside at the hearing in the above-entitled proceeding, which is scheduled to commence at 10:00 a. m., Thursday, September 15, 1955, in Washington, D. C.

Released: July 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6064; Filed, July 20, 1955; 8:50 a. m.]

[Change List 618]

U. S. STANDARD BROADCAST STATIONS

CHANGES AND CORRECTIONS IN ASSIGNMENTS

July 20, 1955.

Notification under the provisions of Part III Section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in Assignments of United States Standard Broadcast Stations modifying the Appendix containing assignments of United States Standard Broadcast Stations, Mimeograph #48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941", as amended.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Date of FCC action	Proposed date of change or commencement of operation
WEJL	Scranton, Pa. (change in call letters from WQAN).	650 kilocycles					
(New)	Wauwaca, Wis.	850 kilocycles	ND	D	II	July 23, 1955	July 23, 1955
WNEL	San Juan, P. R. (delete assignment).	850 kilocycles					
WABA	Aguadilla, P. R. (PO: 1240 kc., 250 w U).	0.5	ND	U	II	do	Do.
WNEL	San Juan, P. R. (delete assignment).	850 kilocycles					
WBRV	Boonville, N. Y.	900 kilocycles	ND	D	II		N in O with new station.
(New)	Flomaton, Ala.	850 kilocycles	ND	D	II	July 23, 1955	July 23, 1955
(New)	Chipley, Fla.	1,240 kilocycles	ND	U	IV	do	July 23, 1955, N in O with new station.
WLCO	Eustace, Fla.	0.25	ND	U	IV		
WPRT	Prestonburg, Ky. (PO: 960 kc 1 kw D).	1,270 kilocycles	ND	D	III	do	July 23, 1955
WLK	Newport, Tenn. (PO: 1,270 kc 1 kw D).	5	ND	D	III	do	do
WQJK	Jacksonville, Fla.	1,280 kilocycles	ND	D	III		N in O with new station.
(New)	Fairfax, Va.	1,310 kilocycles	ND	D	III	July 23, 1955	July 23, 1955
KBTK	Missoula, Mont.	1,340 kilocycles	ND	U	IV		N in O with new station.
KRLD	Lewiston, Idaho.	1,350 kilocycles	DA-N	U	III-B		N in O with increased day power.
KCHR	Charleston, Mo.	1 N/5 D	ND	D	III		N in O with increased power.
WPFJ	Darlington, S. C.	0.5	ND	D	III		N in O with new station.
KCHS	Truth or Consequences, N. Mex. (change hours of operation from unlimited).	1,400 kilocycles	ND	SH	IV		Immediately.
(New)	Newton, Miss.	0.25	ND	D	III	July 23, 1955	July 23, 1955
(New)	Flint, Mich.	1,410 kilocycles	DA-D	D	III	do	Do.
WGDL	Carbondale, Pa. (PO: 1230 kc 250 w U).	1,440 kilocycles	ND	D	III	do	Do.
KBEN	Carrizo Springs, Tex.	1,450 kilocycles	ND	U	IV		N in O with new station.
(New)	Brookfield, Mo.	1,470 kilocycles	DA-D	D	III	July 23, 1955	July 23, 1955
WNDU	South Bend, Ind. (change in call letters from WHOT).	1,490 kilocycles					
WTCS	Farmont, W. Va. (change in call letters from WVWV).						

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6070; Filed, July 26, 1955; 8:51 a. m.]

No. 145—4

[Docket No. 11273; FCC 55-812]

E. WEAKS MCKINNEY-SMITH

ORDER AMENDING ISSUES

In re application of E. Weak's McKinney-Smith, Paducah, Kentucky, Docket No. 11273, File No. BP-9268; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July 1955;

The Commission having under consideration (1) a Motion to Enlarge or Change Issues filed by E. Weak's McKinney-Smith on March 7, 1955; (2) a Supplemental Motion to Enlarge or Change the Issues, filed by E. Weak's McKinney-Smith on June 8, 1955; (3) a Comment of the Chief of the Commission's Broadcast Bureau, filed June 20, 1955; (4) a Reply to above Supplemental Motion to Enlarge or Change the Issues, filed June 17, 1955, by Interstate Broadcasting Company; and (5) a Reply by E. Weak's McKinney-Smith, filed on June 24, 1955, to Interstate Broadcasting Company's reply;

It appearing, that, by Order dated February 10, 1955, the Commission designated for hearing in a consolidated proceeding the applications of E. Weak's McKinney-Smith and the Tennessee Valley Broadcasting Company upon issues designed to determine, inter alia: whether the operation proposed by E. Weak's McKinney-Smith would be in compliance with the provisions of section 3.28 (c) of the Commission's Rules; which of the proposed operations would, on a comparative basis, better serve the public interest, convenience or necessity; and, in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if either, of the subject proposals would provide the more fair, efficient and equitable distribution of radio service;

It further appearing, that E. Weak's McKinney-Smith, in his motion to enlarge or change issues, requests that Issue No. 3 (the 3.28 (c) issue) be deleted or modified, and that in his supplemental motion it is asserted that Issues No. 4 and No. 5, the comparative and 307 (b) issues, respectively, are moot due to the dismissal of the Tennessee Valley Broadcasting Company application;

It further appearing, that the Tennessee Valley Broadcasting Company application was dismissed without prejudice pursuant to such applicant's request, on June 24, 1955, thus rendering Issues 4 and 5 moot;

It further appearing, that petitioner requests modification of Issue No. 3 so that he may be afforded the opportunity

¹ On March 17, 1955, Tennessee Valley Broadcasting Company filed an opposition to McKinney-Smith's motion to enlarge or change the issues. The Tennessee Valley application was dismissed, at applicant's request, June 24, 1955.

to show that his application will serve the public interest, convenience and necessity and that a waiver, in this instance of section 3.28 (c) of the Rules would be warranted;

It further appearing, that, in this instance the Commission is of the view that good cause has been shown for the modification of Issue No. 3;

It is ordered, This 20th day of July 1955, that Issues Nos. 4 and 5 in the above-entitled proceeding are deleted, and that Issue No. 3 is modified to read as follows:

To determine whether the operation proposed by E. Weeks McKinney-Smith would be in compliance with the provisions of Section 3.28 (c) of the Commission's Rules, and, if not, whether circumstances exist which, as determined by the Commission in the public interest, warrants a waiver of said rule.

Released: July 22, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6065; Filed, July 26, 1955;
8:50 a. m.]

[Docket No. 11411; FCC 55M-661]

SOUTHEASTERN ENTERPRISES (WCLE)

ORDER SCHEDULING HEARING

In re application of R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WCLE) Cleveland, Tennessee, Docket No. 11411, File No. BP-9629; for construction permit.

It is ordered, This 20th day of July 1955, that H. Gifford Irion is assigned to preside at the hearing in the above-entitled proceeding, which is scheduled to commence at 10:00 a. m., Thursday, September 15, 1955, in Washington, D. C.

Released: July 21, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6066; Filed, July 26, 1955;
8:50 a. m.]

[Docket No. 11459; FCC 55M-663]

KY-VA BROADCASTING CORP. (WKYV)

ORDER SCHEDULING HEARING

In re Application of KY-VA Broadcasting Corporation (WKYV) Harlan, Kentucky, Docket No. 11459, File No. BP-9715; for construction permit.

It is ordered, This 20th day of July 1955, that Herbert Sharfman is assigned to preside at the hearing in the above-entitled proceeding, which is scheduled to commence at 10:00 a. m., Thursday, September 8, 1955, in Washington, D. C.

Released: July 21, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6067; Filed, July 26, 1955;
8:50 a. m.]

[Docket No. 11462; FCC 55-800]

SALINE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of the Saline Broadcasting Company, Inc., Saline, Michigan, Docket No. 11462, File No. BP-9407; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July 1955;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1290 kilocycles with a power of 500 watts, directional antenna, daytime only, at Saline, Michigan; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with Stations WXYZ, Detroit, Michigan; and WKMH, Dearborn, Michigan; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject application was advised by letter dated April 13, 1955, that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that in a reply dated May 13, 1955, the applicant stated that it would appear at a hearing on its application; and

It further appearing, that WXYZ and WKMH in letters filed on April 21, and 27, 1955, respectively, requested that the subject application be designated for hearing on grounds of the above-described interference and that they be made parties to the hearing; and

It further appearing, that in a pleading filed on September 16, 1954 Stations WHRV and WPAG and WPAG-TV Ann Arbor, Michigan, opposed a grant of the subject application and requested that they be made parties to a hearing on the application; and

It further appearing, that the Commission, after consideration of the subject application and the above-described communications is of the opinion that a hearing is necessary.

It is ordered, That, pursuant to Section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference to Station WXYZ, Detroit, Michigan; and WKMH, Dearborn, Michigan; or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and population affected thereby, the availability of other primary service to such areas and populations.

3. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the operation of the proposed station would serve the public interest.

It is further ordered, That WXYZ, Inc., licensee of Station WXYZ, Detroit, Michigan; Knorr Broadcasting Corporation, licensee of Station WKMH, Dearborn, Michigan; Huron Valley Broadcasters, Inc., licensee of Station WHRV, Ann Arbor, Michigan, and Washtenaw Broadcasting Company, Inc., licensee of Stations WPAG and WPAG-TV, are made parties to the proceeding.

Released: July 22, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-6068; Filed, July 26, 1955;
8:50 a. m.]

[Amdt. 0-7; FCC 55-794]

GENERAL COUNSEL

DELEGATION OF AUTHORITY FOR HANDLING
CERTAIN CLAIMS FOR DAMAGES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July 1955;

The Commission having under consideration the delegation of authority to the General Counsel for handling claims for damages under the Federal Tort Claims Act presently delegated to the head of each Federal agency; and

It appearing, that the amendment herein ordered would be in aid of orderly administrative procedure; and

It further appearing, that the amendment herein ordered is procedural in nature, and therefore, compliance with the public notice and rule making procedure required by Sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to Sections 4 (i) and 303 (r) of the Communications Act, as amended, and Section 3 (a) of the Administrative Procedure Act, Part 0 of the Commission's Rules is hereby amended as set forth below.

Released: July 22, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 0.211, Delegation to Chairman, is amended by adding a new subsection (d) reading as follows:

(d) To act within the purview of section 403 (a) of the Federal Tort Claims Act, 60 Stat. 842, upon tort claims directed against the Commission where the amount of damages does not exceed \$1,000.

2. Section 0.322 is amended to read as follows:

Sec. 0.322 *Other matters delegated*.
(a) The General Counsel is delegated authority to act, in the absence of the Chairman within the purview of Section 403 (a) of the Federal Tort Claims Act,

60 Stat. 842, upon tort claims directed against the Commission where the amount of damages does not exceed \$1,000.

(b) The General Counsel, or in his absence the Acting General Counsel, is delegated authority to act in matters which are not in hearing status, insofar as authority to act upon them is not delegated to any bureau or office on

(i) Requests for inspection of records under the provision of section 0.406 of the rules.

(ii) Requests for extension of time within which briefs and comments may be filed.

[F. R. Doc. 55-6069; Filed, July 26, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4091, etc.]

PENOVA INTERESTS ET AL.

NOTICE OF FINDINGS AND ORDER REGARDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 20, 1955.

Re: Penova Interests, Docket No. G-4091, George L. Duncan, et al., Docket No. G-5439; Hale Johnson, Docket No. G-5455; Z. N. Connolly, et al., Docket No. G-5551, Gribble, Ingram, & Bailey, Docket No. G-5552; Z. N. Connolly, et al., Docket No. G-5553; Quaker State Oil Refining Corp., Docket No. G-5554; Busch & Ferrell, Lease, Docket No. G-5555; Holstine Oil and Gas Co., Docket No. G-5556; Bernard S. Graves, et al., Docket No. G-5557; Scott Duffield, et al., Docket No. G-5559; F. S. Woodford, et al., Docket No. G-5560; Thurman Goff Gas Co., George W. Miller, et al., Docket No. G-5561; Pipeline Construction & Drilling Co., Docket No. G-5562; Massey Oil and Gas Co., Docket No. G-5563; Morris Oil & Gas Co., Docket No. G-5564; O. C. Thomas, Docket No. G-5565; S. J. Reynolds Gas Co., George W. Miller, et al., Docket No. G-5566; Letha Westfall Gas Co., George W. Miller, et al., Docket No. G-5567; Gribble and Hartman, Docket No. G-5568; Davis-Kelly Oil Co., Docket No. G-5569; Stalnaker Gas Co., Docket No. G-5570; The May Pay Oil & Gas Co., Docket No. G-5571, McCormick Oil & Gas Co., Docket No. G-5572; C. L. Connolly Gas Co., George W. Miller, et al., Docket No. G-5573; Glenn Tompkins-J. P. Koontz dba Buckhorn Gas Co., Docket No. G-5574; Evans Oil & Gas Co., Docket No. G-5575; Two Lick Oil & Gas Co., Docket No. G-5576; Yoak-Hays Gas Co., George W. Miller, et al., Docket No. G-5577; Scott Oil & Gas Co., Docket No. G-5578; C. E. Beardmore, Docket No. G-5579; Scott Duffield, et al., Docket No. G-5580; D. A. Null, et al., Docket No. G-5581, Carnegie Natural Gas Co., Docket No. G-5582; Null and Moorehead Gas Co., Docket No. G-5583; Sutton Brothers Inc., Docket No. G-5584; R. S. Monroe, et al., Docket No. G-5585; R. S. Monroe, et al., Docket No. G-5586; R. S. Monroe, et al., Docket No. G-5587; O. N. Gump Oil & Gas Co., Lease, Docket No. G-5588; A. M. Snider & Earl S. Goodwin dba Snider & Goodwin, Docket No. G-5589; John R. Conklin, Docket No. G-5590; B. E. Talkington, et al., Docket No. G-

5591, Pipe Line Construction & Drilling Co., Docket No. G-5592; Tom McCormick Gas Co., Docket No. G-5593; J. J. Powell Gas Co., Geo. W. Miller, et al., Docket No. G-5594; Ira Simmons Gas Co., Geo. W. Miller, et al., Docket No. G-5595; Harrison Evans Gas Co., Docket No. G-5596; Dens Run Oil & Gas Co., Docket No. G-5597; Plant Gas Co., Docket No. G-5598; Hannah L. Jefferies Gas Co., Geo. W. Miller, Docket No. G-5599; Rowan Gas Co., Docket No. G-5600; Barkett Oil & Gas Co., Docket No. G-5601, Vaughn Boatright, et al., Docket No. G-5602; Phillip Lemon, et al., Docket No. G-5603; A. C. Woodford, Docket No. G-5604; Hays & Anderson, Docket No. G-5605; Carnegie Natural Gas Co., Docket No. G-5606; Powell Farm Gas & Oil Co., Docket No. G-5607; C. A. Wilson Lease, E. C. Hartman, Owner, Docket No. G-5608; C. S. Connolly; 36 Gas Co., Geo. W. Miller, et al., Docket No. G-5609; Johnston Oil & Gas Co., Docket No. G-5610; B. E. Talkington, et al., Docket No. G-5611, Alcide Oldacre Gas Co., Geo. W. Miller, et al., Docket No. G-5612; C. S. Connolly 75 Gas Co., Geo. W. Miller, et al., Docket No. G-5613; George Jackson, Docket No. G-5614; Vaughn Boatright, et al., Docket No. G-5615; B. H. Putnam, Operator, Docket No. G-5616; Osborn-Ralston Gas Co., Geo. W. Miller, et al., Docket No. G-5617; B. E. Talkington, et al., Docket No. G-5618; James I. Shearer, Docket No. G-5620; Lafayette Oil Co., Docket No. G-5621; Big Cove Oil & Gas Co., Docket No. G-5622; Gall Mutter, Docket No. G-5623; Davis-Kelly Oil Co., Docket No. G-5624; E. O. Wilson Lease, Docket No. G-5625; Pipe Line Construction & Drilling Co., Docket No. G-5626; Scott Heater, et al., Docket No. G-5627; J. Howard Coleman, Docket No. G-5628; West Virginia Production Co., Docket No. G-5629; Fiddler-Taylor Gas Co., Geo. W. Miller, et al., Docket No. G-5630; Homer W. Myers, et al., Docket No. G-5631, Sioux Gas Co., Docket No. G-5632; W. G. Harvey Gas Co., Geo. W. Miller, et al., Docket No. G-5633; Davis-Kelly Oil Co., Docket No. G-5634; Meadows Oil & Gas Co., Docket No. G-5635; Valley Carper et al., Docket No. G-5636; George Jackson, Docket No. G-5637; Harry Bohr, et al., Docket No. G-5638; Mountain Gas Co., Docket No. G-5639; Homer W. Myers, et al., Docket No. G-5640; Valley Carper, et al., Docket No. G-5641, Massey & Jarvis Drilling Co., Docket No. G-5643; O. J. Hathway Helrs, Lease, Docket No. G-5644; Homer W. Myers, et al., Docket No. G-5645; Va Roy Hildreth & W. T. McGlothlin, Docket No. G-5646; Leonard Cain, et al., Docket No. G-5647; Gregory Gas Co., Docket No. G-5648; J. H. Shuman Gas Co., Geo. W. Miller, et al., Docket No. G-5649; Post Gas Companies, Geo. W. Miller, et al., Docket No. G-5650; S. E. Wilson, Lease, Docket No. G-5651; B. R. Hays, et al., Docket No. G-5652; Morris Oil & Gas Co., Docket No. G-5653; B. R. Hays, et al., Docket No. G-5654; W. H. Busch, Docket No. G-5656; Irvin & Associates, Docket No. G-5657; Estate of D. C. Louchery, Docket No. G-5658; Russell Oil & Gas Co., Docket No. G-7474; McCall Drilling Co., Inc., Docket Nos. G-7970, G-7971, G-7972, G-7973, G-7974, G-7975, G-7976, G-7977, G-7978, G-7979, G-7980, G-7981,

G-7982, G-7983, G-7984, G-7985, G-7986, G-7987, G-7988, G-7989, G-7990, G-7991, and G-7992; H. H. Edinger Estate, Docket No. G-8158; W. R. Meserrie, et al., Docket No. G-8159; Mountain Lumber Co., Docket No. G-8160; Byrd Gas Co., Docket No. G-8161, King & Zogg Gas Co., Docket Nos. G-8162; and G-8163; Rex Oil & Gas Co., Docket No. G-8164; King & Zogg Gas Co., Docket No. G-8165; F. F. McIntosh, et al., Docket Nos. G-8166; and G-8167; Tri-County Producing Co., Docket No. G-8168; F. F. McIntosh, et al., Docket No. G-8169; Hoover Oil & Gas Co., W. H. Mossor, et al., Docket No. G-8170; D. H. Stephenson, et al., Docket No. G-8171, John R. Thomey, Docket No. G-8172; Doham Gas Company, Docket No. G-8173; Little Five Oil & Gas Co., Docket Nos. G-8174; and G-8175; John R. Thomey, Docket No. G-8176; Carr Garthrop Oil & Gas Producers, Docket No. G-8177; Little Five Oil & Gas Co., Docket No. G-8178; General Oil Company, Docket No. G-8179; Grass Run Gas Co., Docket No. G-8181; McIntosh & Grim, Docket No. G-8182; Watson Oil & Gas Co., Docket No. G-8183; King & Zogg Gas Co., Docket No. G-8184; William Moses, Docket No. G-8185; Earl Hardman, Docket No. G-8186; Coy Robinson Oil and Gas Co. & Coy Robinson Gas Co. No. 4, Docket No. G-8187; Walker Fork Oil & Gas Co., Docket No. G-8188; John R. Thomey, Docket No. G-8189; Hunt & Adams, Docket No. G-8190; Minney Gas Company, Docket No. G-8191; E. C. Wilson, Docket No. G-8192; K. M. Hunt, Docket No. G-8193; Hunt & Adams, Docket No. G-8194; Ranger Oil & Gas Co., Docket No. G-8195; K. M. Hunt, Docket No. G-8196; Jarvis & Ayers Gas Co., Docket No. G-8197; Watson Oil & Gas Co., Docket No. G-8198; Boyd Wright, Docket No. G-8199; K. M. Hunt, Docket No. G-8200; L. D. Nutter Gas Co., Docket No. 8201, Watson Oil & Gas Co., Docket No. G-8202; Dodd Oil & Gas Co., Docket No. G-8203; Ervin Stump, et al., Docket No. G-8204; Scott Oil & Gas Co., Docket No. G-8205; Hildreth & Hildreth, Lease, Docket No. G-8206; Fred Stump No. 2 Gas Co., Docket No. G-8207; Owens-Illinois Glass Co., Docket No. G-8208; A. H. Reber, Docket No. G-8209; Grass Run Oil & Gas Co., Docket No. G-8210; Reed Sturmer, et al., Docket No. G-8211; Lottie Gunn Gas Co., Docket No. 8212; Susie C. Kingery, et al., Lease, Docket No. G-8213; Stump & Conklin Gas Co., Docket No. G-8214; Neal Oil & Gas Company, Docket No. G-8390; Vance L. & J. Hood Hornor, Docket No. G-8391; Miller Leases, Docket No. G-8392; Luther G. Pigott, Docket No. G-8393; E. A. Klug, Docket No. G-8394; Luther G. Pigott, Docket No. G-8395; Luther G. Pigott, Docket No. G-8396; P. & M. Oil Company, Docket No. G-8397; Barker Gas Company, Docket No. G-8398; James R. Hornor, et al. (Benson Oil & Gas Co.), Docket No. G-8399; Wilson Oil & Gas Co., Docket No. G-8400; Shelly and Snider, Docket Nos. G-8401 and G-8402; Ralph W. Mace, et al., Docket No. G-8403; B. E. Talkington, et al., Docket No. G-8404; Ernest Hayhurst, et al., Docket No. G-8216; Olsen Warren, et al., Docket No. G-8217; McCoy Oil & Gas Co., Docket No. G-8218; Floyd Fox, et al., Lease, Docket

No. G-8219; F. L. Haymaker, et al., Lease, Docket No. 8220; B. R. Hays, et al., Docket No. G-8221, Allen B. Starcher, et al., Lease, Docket No. G-8222; Ferris Barr, et al., Lease, Docket No. G-8223; Allen B. Starcher, et al., Lease, Docket No. G-8224; D. Nitz, et al., Lease, Docket No. G-8225; B. R. Hays, et al., Docket No. G-8226; J. F. Allen, et al., Lease, Docket No. G-8227; F. G. Bish, Docket No. G-8228; Richards & Hartman Oil & Gas Co., Docket No. G-8311, Bernard F. Rinehart, et al., Docket Nos. G-8313, G-8314, and G-8315; F. S. Deem, Docket No. G-8316; G. A. Smith, Docket No. G-8349; Rush Run Oil & Gas Co., Docket No. G-8350; H. M. Hathaway Lease, Docket No. G-8351, Collective Gas Co., Docket No. G-8352; Graham and Shinn, Docket No. G-8353; R. C. Hardman Lease, Docket No. G-8354; T. E. Bickel Estate, Docket No. G-8355; Jones Farm Oil & Gas Co., Docket No. G-8356; Eagon-Robinson Oil & Gas Co., Docket No. G-8357; Lodstar Oil Co., Docket No. G-8358; Harry L. Tennant, Docket No. G-8359; Wiley Gas Co., Docket No. G-8360; Willie Collins, Agent, Docket No. G-8361, Lago Oil & Gas Co., Docket No. G-8362; Penn-Hunt Oil & Gas Co., Docket No. G-8363; Haven Oil Co., Docket No. G-8364; Monogahela Oil & Gas Co., Docket No. G-8365; Eagon-Robinson Oil & Gas Co., Docket No. G-8366; Willie Collins, Agent, Docket No. G-8367; Loris J. Swedley et al., Docket No. G-8368; James P. Drolepleman, et al., Docket No. G-8499; Byron L. Hall, et al., Docket No. G-8500; E. M. Reynolds Gas Co., Docket No. G-8501, The Pawnee Corporation, Docket No. G-8502; Barbara Starcher, Docket No. G-8503; Phillips Gas Co., Docket No. G-8504; Marion Gas Co., Docket No. G-8505; Faith Oil & Gas Co., Docket No. G-8554; Ohio Oil & Gas Co., Docket No. G-8585.

Notice is hereby given that on July 13, 1955, the Federal Power Commission issued its findings and order adopted July 8, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

It is considered that this notice falls within Category 4, 1 CFR 1.202.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6046; Filed, July 26, 1955;
8:46 a. m.]

[Docket No. E-6822]

GULF STATES UTILITIES CO. AND CENTRAL
LOUISIANA ELECTRIC CO., INC.

NOTICE OF ORDER REGARDING DISPOSITION OF
FACILITIES

JULY 21, 1955.

Notice is hereby given that on July 8, 1955, the Federal Power Commission issued its order adopted July 8, 1955, authorizing disposition of certain facilities and merger or consolidation of those facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6042; Filed, July 26, 1955;
8:45 a. m.]

[Docket No. ID-580, Docket No. ID-1137]
GLOVER W ROGERS AND HORACE J. LYNE
NOTICE OF ORDERS AUTHORIZING APPLICANTS
TO HOLD POSITIONS

JULY 21, 1955.

Notice is hereby given that on July 11, 1955, the Federal Power Commission issued its orders adopted July 8, 1955, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6043; Filed, July 26, 1955;
8:45 a. m.]

[Project No. 1082]

PACIFIC AMERICAN FISHERIES, INC.

NOTICE OF ORDER ISSUING NEW LICENSE

JULY 21, 1955.

Notice is hereby given that on July 12, 1955, the Federal Power Commission issued its order adopted July 8, 1955, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6044; Filed, July 26, 1955;
8:45 a. m.]

[Project No. 2186]

NEVADA SCHEELITE CORP.

NOTICE OF ORDER DISMISSING LICENSE
APPLICATION

JULY 21, 1955.

Notice is hereby given that on July 15, 1955, the Federal Power Commission

issued its order adopted July 8, 1955, dismissing application for license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-6045; Filed, July 26, 1955;
8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

[Project No. 3-DC-01]

FEDERAL OFFICE BUILDING

PROSPECTUS FOR PROPOSED BUILDING IN
SOUTHWESTERN PORTION OF THE DIS-
TRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954, as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01

PROSPECTUS FOR PROPOSED BUILDING UNDER
TITLE I, PUBLIC LAW 519, 83d CONGRESS, 2d
SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

A. *Brief description of proposed building:*
The project contemplates the erection of a Federal Office Building on a site to be acquired in the Southwest redevelopment area.

The proposed building will be a six-story and penthouse structure, stone exterior, with cafeteria included, and air conditioned throughout. It will have a gross floor area of 815,000 square feet, that will provide 558,000 square feet of net space, of which 500,000 square feet will be office area, 10,000 square feet for shops, 34,000 square feet for cafeteria, and 14,000 square feet for custodial, health unit, etc.

B. Maximum cost and financing:

1. Total over-all value of project.....	\$20,200,000
a. Items not included in purchase contract:	
(1) Architectural	\$905,000
(2) Land	2,500,000
b. Purchase contract costs:	
(1) Improvements	\$16,795,000

2. Contract Term	10 to 25 years
3. Maximum rate of interest on purchase contract.....	4%

C. Estimated annual costs:

1. 25 Year Contract Term:	
a. Purchase contract payments:	
(1) Amortization and interest.....	\$1,069,320
(2) Taxes	251,213
Rate per net sq. ft..\$2.37.	\$1,320,533
b. Costs not included in purchase contract payments:	
(1) Custodial and utilities.....	\$538,000
(2) Repair and maintenance.....	82,000
Rate per net sq. ft. \$1.11.	\$620,000
c. Total Estimated Annual Cost.....	\$1,940,533
Rate per net sq. ft. \$3.48.	
2. Second 25 Year Term:	
a. Custodial and utilities.....	\$538,000
b. Repairs and maintenance.....	160,000
c. Total Estimated Annual Cost.....	\$698,000
Rate per net sq. ft. \$1.25.	

C Estimated annual costs—Continued

3 50 Year Average:	
a Total Estimated Annual Cost	\$1 319,267
Rate per net sq ft \$2.36	
4 Annual Rental Costs for Comparable Space (Net Agency)	\$1,970 000
Rate per net sq ft \$3.94	
5 Maximum Annual Payment Permitted	\$3 030,000
(15% of fair market value)	

NOTE: All estimates based on 1955 price levels

D Present annual rental and other housing costs:

	Net sq ft	Unit cost	Total cost
1. Existing Tempo 3, 4, 5 and T (for comparable space), to be supplanted by proposed building	600 622	\$9.09	\$545,760

E Justification of project:

- a. The needs for space for the permanent activities of the Federal Government cannot be satisfied by utilization of existing Government owned space
- b. Suitable rental space of comparable sort and characteristics is not available at a price commensurate with that to be afforded through the contract proposed
- c. The space requested and proposed is needed for permanent activities of the Federal Government
- d. The best interest of the Government will be served by taking the action proposed
2. Existing Conditions:
 - a. During the past several years there has been an active and widespread movement on the part of the public and Governmental agencies notably the Commission of Fine Arts concerning the removal of World War I and II Temples and the restoration of the public lands
 - b. Data compiled as of December 31, 1954, indicates that the Federal Government is currently utilizing four (4) World War I Temples providing 2,083,003 square feet of net agency space, with 10,000 personnel; and 35 World War II Temples, providing 3,585,063 square feet, with 23,823 personnel. In summary, 39 Temples providing a total of 5,668,066 square feet of net agency space, with aggregate personnel of 39,329. The aforementioned figures do not include space or personnel of the Central Intelligence Agency
 - c. The Congress long sympathetic to the insistent demand for the raising of the Tempo has considered several proposed bills to accomplish this purpose. Among these was

S 1200 passed in the Senate on June 8 1955 and enacted as Public Law 150 84th Congress, approved July 12 1955 That law expressly manifests the intent of Congress that (1) provision of accommodations for executive agencies by GSA as a part of the program for redevelopment of the southwest portion of the District of Columbia be accomplished on a lease purchase basis and (2) temporary space of equivalent occupancy be demolished

The proposed building will provide approximately 500 000 square feet of net office space to accommodate equivalent personnel displaced from temporary buildings contemplated for initial demolition under current long range planning programs

3 Direct and Indirect Benefits Expected to Accrue

- a. Agencies whose related operations are scattered among two or more locations will be able to concentrate all of them in a single location and thereby realize appreciable economies deriving from such factors as continuity of operating elements, immediate accessibility of employees and records, and elimination of transportation and communication delays
- b. The accommodation of Federal agencies in a single building will provide flexibility in making internal reassignments of agency space where increases or decreases in requirements occur
- c. The proposed building will be functional in concept and devoid of excessive embellishment and extravagant appointments. The design of the building and facilities will provide for the utmost economy in construction; maintenance and operation costs considered. It will be provided with modern fittings, appointments and conveniences comparable to those provided in buildings of private enterprise. Maintenance and improvement of employee morale and the consequent increasing of employee efficiency over a period of years may thus be confidently expected to result in intangible though nonetheless real economies

F Analysis of project space:

- 1 Since this project is intended to provide for relocation of numerous Federal activities now housed in temporary buildings no specific allocation of space among agencies can be made Therefore requirement for Certificate of Need otherwise required by Section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150 84th Congress
- 2 Space:
 - a Distribution:

Agency	Tempo 3, 4, 5, and T proposed		
	Net sq ft	Personnel	Net sq ft
The specific allocation of agencies to be quartered in the proposed building has not been presently determined			
Subtotal Agency Space	500,520	3,072	500,000
General Services:			
Custodial and Shops			22,000
Health Unit and Vending Stand			2,000
Cafeteria			34,000
Total	500,520	3,072	558,000
			3,700
			132
			3
			60
			3,835

b Utilization:

Agency Space—sq ft per person	163
Total Space—sq ft per person	163
c Efficiency: Ratio net to gross (net assignable)	68.5%

G Analysis of project cost:

1 Costs of Improvements—Normal:	
a Construction	\$12 250 000
b Elevator	430 000
c Air Conditioning	1 750 000
d Interest, taxes etc during construction	730 000
Cost per gross sq ft \$18.00	
2 Costs of Improvements—Additional:	
a Approaches & utilities	\$150 000
b Steam connection	120 000
c Stone face	535 000
d Contingencies	750 000
	\$1,545 000
3 Total Cost of Improvement	\$10,705,000
4 Costs Not Included in Purchase Contract:	
a Architectural	\$995,000
b Land to be acquired (Est Cost)	2,500,000
	\$3,495,000
5 Total over all value of project	\$20,200 000

- H Other selected data:
- 1 The proposed contract provisions will not exceed the amount necessary to:
 - a Amortize principal.
 - b Provide interest not to 4% of the outstanding principal
 - c Reimburse contractor for the cost of taxes and interest during construction
 - d Reimburse contractor for proportional charge for redevelopment general area, streets and utilities
 - 2 It is proposed to make awards on financing and construction by competition
 - 3 Estimated completion date for the project is 40 months from date of final approval
 - 4 Taxes computed on basis of 75% ratio and \$22.00 per \$1.00
 - 5 Insurance included during construction only as part of total cost borne by construction contractor During post construction period Government will act as self insurer

Project Number 3-DC-01

Submission

Submitted at Washington, D. C.

Recommended:

[S] PETER A. STROBEL,
*Commissioner of Public Buildings Service,
General Services Administration.*

Approved:

[S] A. E. SNYDER,
*Acting Administrator
General Services Administration.*

Statement of Director, Bureau of the Budget

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON, D. C.

Project 3-DC-01

Federal Office Building,
Southwest Redevelopment Area,
Washington, D. C.

JULY 22, 1955.

MY DEAR MR. MANSURE:

Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, transmitted with your letter of June 28, 1955, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understandings:

1. That the project cost of \$20,200,000 (including \$2,500,000 for land to be acquired) is a maximum figure.

2. That the reported annual operating cost of existing Tempos 4, 5 and T, i. e., 99¢ per sq. ft., represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the proposed building will house some 10 percent of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed building is to be determined later by GSA.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to approval of the lease-purchase agreement.

Sincerely yours,

[Signed] ROWLAND HUGHES,
Director.

HON. EDMUND F. MANSURE,
*Administrator,
General Services Administration,
Washington 25, D. C.*

[F. R. Doc. 55-6130; Filed: July 26, 1955;
10:09 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 70]

MOTOR CARRIER APPLICATIONS

JULY 22, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each

protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver or opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under Section 210a (b) of the Act, of the temporary operation of motor carrier properties sought to be acquired in an application under Section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 531 Sub 58, filed June 17, 1955, (Amended) published on page 4604, issue of June 29, 1955, YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Texas. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Texas. For authority to operate as a common carrier over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, between points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida and South Carolina.

No. MC 2228 Sub 37, filed June 28, 1955, MERCHANT'S FAST MOTOR LINES, INC., 633 Walnut St., P. O. Drawer 2321, Abilene, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Fort Worth, Tex. For authority to operate as a common carrier transporting: *Government-owned compressed gas trailers*, loaded or empty, and *compressed gas*, other than liquefied petroleum gas, moving in Government-owned compressed gas trailers, over regular routes in Texas as more fully described in the application and the amendment thereto.

No. MC 2202 Sub 128, filed July 1, 1955, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a common carrier over a regular route, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equip-

ment, between Knoxville, Tenn. and Princeton Interchange, West Virginia Turnpike near Princeton, W. Va., from Knoxville, Tenn. over U. S. Highway 11W to junction of U. S. Highway 11W and U. S. Highway 19 at Bristol, Tenn., thence over U. S. Highway 19 to Princeton, W. Va., thence approximately two (2) miles east from Princeton over U. S. Highway 460 to the Princeton Interchange of the West Virginia Turnpike as a connecting route for operating convenience only, serving no intermediate points but serving the termini for joinder purposes only, in connection with carrier's authorized regular routes between Knoxville, Tenn. and Akron, Ohio over U. S. Highways 25W 25, 42 and 224, and between Columbia, S. C. and Akron, Ohio over North Carolina Highway 268, U. S. Highways 601, 52, 50, and 21, Ohio Highway 7, and U. S. Highway 224. Applicant is authorized to conduct operations in Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Missouri, Oklahoma, Texas, Kansas, Alabama, North Carolina, South Carolina, Georgia, New Jersey, New York, Pennsylvania, Maryland, West Virginia, Virginia, and the District of Columbia.

No. MC 2488 Sub 1, filed June 24, 1955, (Amended) published on page 5004, issue of July 13, 1955, W. R. McGWINN, River St., P. O. Box 67, Grand River, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a contract carrier, over irregular routes, transporting: Coke, in bulk, in dump vehicles, from Fairport Harbor, Ohio to Erie, Franklin, Greenville, Grove City, New Castle, Oil City and Monaca, Pa.

No. MC 10761 Sub 55, filed June 23, 1955, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Street, Detroit 8, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a common carrier, over a regular route, transporting: *General commodities*, except articles of unusual value, livestock, Class A and B explosives, currency, bullion, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Fort Wayne, Ind., and junction Indiana Highway 18 and U. S. Highway 27, from Fort Wayne over combined U. S. Highways 27 and 33 to Decatur, Ind., thence over U. S. Highway 27 to junction Indiana Highway 18, near Bryant, Ind., serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Detroit, Mich., and St. Louis, Mo., and carrier's alternate route operations between junction Indiana Highways 62 and 3 (Charlestown, Ind.), and Fort Wayne, Ind. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

No. MC 19564 Sub 51, filed July 11, 1955, L. C. JONES TRUCKING COMPANY, INC., 4300 S. E. 29th St., P. O. Box 4368, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City,

Okl. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except the stringing and picking up of pipe in connection with main or trunk pipe lines, (a) between points in Oklahoma, Texas, and Kansas, on the one hand, and, on the other, points in Ohio, and Michigan, and (b) from points in West Virginia, to points in Oklahoma, and Texas, and (2) *heavy machinery*; and *commodities*, which because of their size or weight require the use of special equipment, handling or rigging, except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in Oklahoma, Texas, and Kansas, on the one hand, and, on the other, points in Ohio, and Michigan. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming.

No. MC 28439 Sub 63, filed July 12, 1955, DAILY MOTOR EXPRESS, INC., Pitt & Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Continental Building, Fourteenth at "K" Northwest, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Materials and supplies* used in the manufacture of agricultural implements, from points in Delaware, Pennsylvania, Maryland, New Jersey, North Carolina, Ohio, Georgia, South Carolina, and Virginia, to East Rochester, N. Y.

No. MC 34209 Sub 6, filed June 27, 1955, J. S. BRIMBERRY, doing business as OILFIELD TRANSPORTATION CO., Odessa, Tex. Applicant's attorney: John W. Carlisle, 804 West Seventh Street, Fort Worth, Tex. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with trunk pipe lines, between points in Chaves, Roosevelt, De Baca, Otero, Lincoln, Harding, Curry, Quay, and Union Counties, N. Mex., and Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin,

Howard, Mitchell, Nolan, Culberson, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Reeves, Ward, Crane, Upton, and Reagan Counties, Tex. *Welded steel storage and test tanks* for storing and testing of oil and storing of water and *equipment* for the installation and operation thereof, including batteries, separators and testers, between points in Ector, Midland and Howard Counties, Tex., and points in New Mexico. *Heavy and cumbersome commodities or commodities* which because of their size, weight or shape require the use of special equipment for the loading, unloading and transportation thereof, between points in Wichita, Bosque, Clay, Wilbarger, Montague, Cooke, Denton, Tarrant, Johnson, Hill, Somervell, McLennan, Knox, Baylor, Archer, Haskell, Stonewall, Young, Throckmorton, Jack, Wise, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Parker, Nolan, Tylor, Concho, McCulloch, Callahan, Eastland, Erath, Coke, Runnels, Coleman, Comanche, Hamilton, Coryell, Lampasas, San Saba, Brown and Mills Counties, Tex., on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex. Applicant is authorized to conduct operations in New Mexico and Texas.

No. MC 36473 Sub 56, filed June 21, 1955, CENTRAL TRUCK LINES, INC., 1000 Jackson Street, Tampa, Fla. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between St. Petersburg, Fla., and Miami, Fla., from St. Petersburg over Sunshine Skyway between St. Petersburg and Manatee County, Fla., thence over U. S. Highway 41 through Sarasota, Punta Gorda and Fort Myers, Fla., to Miami, and return over the same route, serving no intermediate points, as a connecting route, for operating convenience only, in connection with carrier's regular route operations between Atlanta, Ga., and St. Petersburg, Fla., between Barnesville, Ga., and St. Petersburg, Fla., between Jacksonville, Fla., and Miami, Fla., and carrier's alternate route operations between Miami, Fla., and Deerfield, Fla., and between Holopaw, Fla., and Miami, Fla. (2) Between Tampa, Fla., and Palmetto, Fla., from Tampa over U. S. Highway 41 to Palmetto, and return over the same route, serving no intermediate points, and serving Palmetto, Fla., for the purpose of joinder only, as a connecting route, for operating convenience only, in connection with carrier's regular route operations between Atlanta, Ga., and St. Petersburg, Fla., between Barnesville, Ga., and St. Petersburg, Fla., and Bellevue, Fla., and Tampa, Fla., and between Tampa, Fla., and Zephyrhills, Fla. (3) Between South Bay, Fla., and Lake Wales, Fla., from South Bay over U. S. Highway 27 to Lake Wales, and return over the same route, serving no intermediate points, and serving South Bay and Lake Wales, Fla., for the purpose of joinder only, in connection with carrier's alternate route operations between Florence Villa, Fla., and Vero

Beach, Fla., between Lake Wales, Fla., and junction Florida Highways 60 and 574, and between Holopaw, Fla., and Miami, Fla. (4) Between Canal Point, Fla., and West Palm Beach, Fla., from Canal Point over Temporary U. S. Highway 98 to junction U. S. Highway 441, thence over U. S. Highway 441 to West Palm Beach, and return over the same route, serving no intermediate points, and serving Canal Point, Fla., for the purpose of joinder only, as a connecting route, for operating convenience only, in connection with carrier's regular route operations between Jacksonville, Fla., and Miami, Fla., and carrier's alternate route operations between Holopaw, Fla., and Miami, Fla. (5) Between Lake City, Fla., and Chiefland, Fla., from Lake City over Florida Highway 47 to Trenton, Fla., thence over Florida Highway 49 to Chiefland, and return over the same route, serving the intermediate point of Trenton, Fla. (6) Between Jacksonville, Fla., and Callahan, Fla., from Jacksonville over U. S. Highway 17 to Yulee, Fla., thence over Florida Highway 200 to Callahan, and return over the same route, serving the intermediate point of Yulee, Fla., restricted to the transportation of paper and paperboard products, and further restricted to not apply on shipments to points in the East, Augusta, Ga., and points in South Carolina. Applicant is authorized to conduct operations in Florida and Georgia.

No. MC 39568 Sub 4, filed June 27, 1955, (amended), ARROW TRANSFER & STORAGE COMPANY, a corporation, 1116 Market St., Chattanooga, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Chattanooga, Tenn. and Ellijay, Ga. over U. S. Highway 76 serving Chatsworth, Ga. and points between Chatsworth and Ellijay as intermediate points. Applicant is authorized to conduct operations in Tennessee, Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia and Mississippi.

No. MC 41915 Sub 19, filed June 28, 1955, (amended), PAUL W. HIVELEY, doing business as MILLER'S MOTOR FREIGHT SERVICE, Zinn's Quarry Road, York, Pa. Applicant's attorney: Norman T. Petow, 43 N. Duke St., York, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Plaster gypsum, lime, plaster retarder and plaster accelerator, plaster articles and gypsum articles, plasterboard joint systems, nails, clips, wedges, wire fasteners and channels*, not to exceed 1% of the total weight, from Wheatland, N. Y. to points in New Jersey, Delaware, Maryland, Virginia, points in Pennsylvania on and east of U. S. highway 219, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to con-

duct operations in New York and Pennsylvania.

No. MC 46737 Sub 25, filed July 11, 1955, GEO. F. ALGER COMPANY, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company plant located at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations over U. S. Highways 24 and 25 between Detroit, Mich., and Cincinnati, Ohio, and over U. S. Highways 10, 12, and 16, and Michigan Highway 17 between points in Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, and Michigan.

No. MC 54435 Sub 22, filed July 8, 1955, MICHIGAN MOTOR FREIGHT LINES, INC., 2225 Howard Street, Detroit, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Ford Motor Company located at the intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., and the Detroit, Mich., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, and Ohio.

No. MC 58954 Sub 25, filed July 1, 1955, McNAMARA MOTOR EXPRESS, INC., 433 E. Parsons St., Kalamazoo, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Gibraltar, Mich. as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 112 between Detroit, Mich. and Elkhart, Ind., and over U. S. Highway 12 between Detroit, Mich. and Battle Creek, Mich. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Wisconsin, Missouri, and Iowa.

No. MC 58954 Sub 26, filed July 14, 1955, McNAMARA MOTOR EXPRESS, INC., 433 E. Parsons St., Kalamazoo, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods

as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant of the Ford Motor Company at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 112 between Detroit, Mich., and Elkhart, Ind., and over U. S. Highway 12 between Detroit, Mich., and Battle Creek, Mich. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Wisconsin, Missouri, and Iowa.

No. MC 64932 Sub 186, filed July 13, 1955, ROGERS CARTAGE CO., a corporation, 1932 So. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, between Janesville and Honey Creek, Wis., on the one hand, and, on the other, Cabery, Belvidere, Burlington, German Valley, Milledgeville, Minooka, Monroe Center, Pearl City, Rockton, Solon Mills, Montgomery, and Amboy, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, and Missouri.

No. MC 64932 Sub 187, filed July 15, 1955, ROGERS CARTAGE CO., a corporation, 1934 So. Wentworth Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Mississippi and Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia and Wisconsin.

No. MC 66562 Sub 1240, filed July 8, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: J. H. Mooers (Same address as applicant). For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, serving Hudson, Ohio, as an off-route point in connection with applicant's regular route operations between Bedford, Ohio and Uniontown, Ohio. RESTRICTION: (a) The authority applied for is subject to the condition that service to be performed shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately

subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 67818 Sub 55, filed June 27, 1955, MICHIGAN EXPRESS, INC., 505 W Monroe Ave., NW., Grand Rapids 2, Mich. Applicant's attorney: Jack Goodman, 39 S. La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Electric motor vehicles*, uncrated, and *parts and accessories* thereof, between Grand Haven, Mich. on the one hand, and, on the other, points in the United States.

No. MC 69228 Sub 12, filed July 14, 1955, FUGATE & GIRTON DRIVEAWAY COMPANY, INC., 1500 Mitchell Blvd., Springfield, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, motor truck-tractors, motor truck chassis, motor truck vehicles* (except trailers) *designed for the transportation of passengers and of property, with or without bodies, such as squadrols, busses, ambulances and station-wagon type vehicles, and parts thereof*, in initial movements, in driveway and truckaway service, from Bridgeport, Conn., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 70451 Sub 173, filed July 8, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr. For authority to operate as a *common carrier* over an alternate route, transporting: *General commodities*, including *Class A and B explosives, commodities in bulk, and those of unusual value*, but excluding household goods as defined by the Commission, and those requiring special equipment, between Atchison, Kans., and St. Joseph, Mo., over U. S. Highway 59, serving no intermediate points, for operating convenience only, in connection with regular route operations between Atchison, Kans., and St. Joseph, Mo. through combination of regular routes between (a) Atchison, Kans., and Troy, Kans., and (b) Hiawatha, Kans., and St. Joseph, Mo. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and New Mexico.

No. MC 70451 Sub 175, filed July 8, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr. For authority to operate as a *common carrier* over an alternate or connecting route, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, livestock, fresh fish, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between La Junta, Colo., and Trinidad, Colo., over U. S. Highway 350, serving no intermediate

points, and serving the termini for joinder purposes only, for operating convenience only, in connection with regular route operations between Kansas City, Mo., and Gallup, N. Mex., through combination (1) of regular route between Denver, Colo., and Durango, Colo., and (2) of alternate routes (a) between Gallup, N. Mex., and Walsenburg, Colo., and (b) between Kansas City, Mo., and Pueblo, Colo. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and New Mexico.

No. MC 70662 Sub 82, filed July 5, 1955, CANTLAY & TANZOLA, INC., 2835 Santa Fe Avenue, Los Angeles 58, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum* products, in bulk, in tank vehicles, from points in San Bernardino and Imperial Counties, Calif., to points in Arizona and Nevada. *Contaminated shipments* of petroleum and petroleum products from points in Arizona and Nevada to points in San Bernardino and Imperial Counties, Calif., and to points in the Los Angeles, Calif., Basin area located in Los Angeles, Orange and Ventura Counties, Calif. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada and Utah. NOTE: Applicant states this application is filed for the purpose of following the bulk petroleum traffic to new proposed pipeline origins in the applied-for territory which territory is presently served from the Los Angeles, Calif., Basin shipping area.

No. MC 73137 Sub 2, filed June 9, 1955, LOUIS GASPER, Utica, S. Dak. Applicant's attorney: Donald R. Wigton, 1221 Badgerow Bldg., Sioux City 1, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Fertilizer*, from the site of the Crystal Chemical Company, Incorporated, plant located one-half mile south of Sioux City, Nebr., on U. S. Highway 77, to points in South Dakota in (a) Yankton County, (b) Bon Homme County on and east of South Dakota Highway 37, (c) Hutchinson County on and east of that portion of South Dakota Highway 37 extending from county line to junction U. S. Highway 18 and South Dakota Highway 37, and on and south of U. S. Highway 18, and (d) Turner County on and south of that portion of U. S. Highway 18 extending from county line to junction U. S. Highway 18 and South Dakota Highway 19, and on and west of that portion of South Dakota Highway 19 extending from junction South Dakota Highway 19 and U. S. Highway 18, to junction South Dakota Highways 19 and 46; (2) *Fertilizer sheathing, fiberboard, insulation, brick, tile, cement, cement blocks, lime, mortar mortar color plaster stucco and sewer pipe*, from Sioux City, Iowa, to the destination points described in (1) above; (3) *malt beverages*, from LaCrosse and Milwaukee, Wis., Peoria Heights, Ill., and Minneapolis, Minn., to Yankton, S. Dak., and (4) *empty malt beverage containers* or other such incidental facilities (not specified) used in transporting the com-

modities specified, on return. Applicant is authorized to conduct operations in Iowa and South Dakota.

No. MC 75872 Sub 14, filed July 7, 1955, BOSTON & MAINE TRANSPORTATION COMPANY, a corporation, 1 Monksignor O'Brien Highway, Cambridge, Mass. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Danvers, Mass. and Salisbury, Mass. over the new U. S. Highway 1, serving as off-route points those points on old U. S. Highway 1 presently served as intermediate points under carrier's authority in MC 75872. Applicant is authorized to conduct operations in Maine, Massachusetts and New Hampshire.

No. MC 76065 Sub 9, filed July 5, 1955, EHRlich-NEWMARK TRUCKING CO. INC., 254 W 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, New Jersey. For authority to operate as a *common carrier* over irregular routes, transporting: *Garments*, and *materials and supplies* used in the manufacture of garments, (1) between Philadelphia, Pa., and Baltimore, Md., on the one hand, and, on the other, Washington, D. C. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Pennsylvania, West Virginia and the District of Columbia.

No. MC 76264 Sub 16, filed July 14, 1955, WEBB TRANSFER LINE, INC., Route 60, Shelbyville, Ky. Applicant's attorney: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel storage tanks*, not requiring the use of special equipment, and *parts thereof or accessories thereto* when transported with such tanks, except those steel storage tanks used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, between Louisville, Ky., on the one hand, and, on the other, points in Alabama. Applicant is authorized to conduct operations in Kentucky, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia and West Virginia.

No. MC 91306 Sub 6, filed July 15, 1955, JOHNSON BROTHERS TRUCKERS, INC., Box 189, Elkin, N. C. Applicant's attorney: James E. Wilson, Continental Bldg., Fourteenth at K northwest, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *New furniture and new furniture parts*, from North Wilkesboro, Ronda and Elkin, N. C., to points in Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, Ohio and Washington, D. C. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, North Carolina,

Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 95540 Sub 262, filed July 15, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods* (except frozen citrus products) from points in Florida to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin. Applicant is authorized to conduct operations in all states in the United States and the District of Columbia except Arizona, California, Colorado, Connecticut, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington and Wyoming.

No. MC 102567 Sub 51, filed July 11, 1955, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West 1st and Broadway, (Mail address: P. O. Box 1822) Bossier City, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Texas. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum* products, (except liquefied petroleum gases) in bulk, in tank vehicles, from points in that portion of Louisiana beginning at the intersection of the Arkansas-Louisiana state line and the Texas-Louisiana state line, thence south along the Texas-Louisiana state line to intersection with U. S. Highway 84, thence east along U. S. Highway 84 to intersection with U. S. Highway 167, thence north along U. S. Highway 167 to intersection with the Arkansas-Louisiana state line, thence west along the Arkansas-Louisiana state line to the point of beginning, to points in Arkansas on and north of a line beginning at the Oklahoma-Arkansas state line, thence east along U. S. Highway 270 to intersection with U. S. Highway 70, thence east along U. S. Highway 70 to intersection with the Tennessee-Arkansas state line, including points on the designated highways. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia and Oklahoma.

No. MC 103248 Sub 18, filed July 15, 1955, PETROLEUM TRANSPORT, INC., U. S. Highway 51 and Milwaukee St., P. O. Box 289, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum, petroleum* products, and *all derivatives of petroleum*, in bulk, in tank vehicles, from Lemont, and Lockport, Ill., and points in the Chicago, Ill. Commercial Zone, as defined by the Commission, to points in Crawford,

Grant, La Crosse, Monroe, and Vernon Counties, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, and Wisconsin.

No. MC 103378 Sub 43, filed July 15, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret St., Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Pace Junction, Fla. to points in Georgia and Alabama.

No. MC 103880 Sub 146, filed June 23, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products, petroleum lubricants, chemicals, and industrial soaps and industrial cleaners*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Kentucky, Ohio, Illinois, and Michigan; *petro-lub oil bases*, in bulk, in tank vehicles, from Reading, Ohio to Indianapolis, Ind., and *cutting oil and parting compounds*, (used in the manufacture of soap), in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 105531 Sub 15, filed July 5, 1955, ALAMO MOTOR LINES, a Texas corporation, 428 E. Cavallos St., San Antonio, Tex. Applicant's attorney: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A, B, and C explosives*, and *component parts thereof*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Odessa, Tex., and the Davis Mountain Filling Station at Junction U. S. Highways 80 and 290, approximately ten (10) miles from Kent, Tex., over U. S. Highway 80, serving no intermediate points.

NOTE: Applicant states this junction is commonly known as Davis Mountain Filling Station. Applicant is authorized to conduct operations in Texas.

No. MC 105531 Sub 16, filed July 5, 1955, ALAMO MOTOR LINES, a Texas corporation, 428 E. Cavallos St., San Antonio, Tex. Applicant's attorney: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A, B, and C explosives*, and *component parts thereof*, (1) between Junction, Tex., and Midland, Tex., from Junction over U. S. Highway 83 to Eden, Tex., thence over U. S. Highway 87 to junction Texas Highway 158, approximately three (3) miles beyond Sterling City, Tex., thence over Texas Highway 158 to Midland, and return over the same route, serving the intermediate point of San Angelo, Tex., (2) between El Paso, Tex.,

and Midland, Tex., from El Paso over U. S. Highway 80 to junction U. S. Highway 290, thence over U. S. Highway 290 to Ft. Stockton, Tex., thence over U. S. Highway 67 to McCamey, Tex., thence over Texas Highway 51 to Odessa, Tex., thence over U. S. Highway 80 to Midland, and return over the same route, serving all intermediate points; (3) between Ft. Stockton, Tex., and Alpine, Tex., over U. S. Highway 67, serving all intermediate points; (4) between Houston, Tex., and Ozona, Tex., from Houston over Alternate U. S. Highway 90 to junction U. S. Highway 90, near Columbus, Tex., thence over U. S. Highway 90, via Columbus and Waelder, Tex., to San Antonio, Tex., thence over U. S. Highway 87 to Comfort, Tex., thence over Texas Highway 27 to junction U. S. Highway 290, thence over U. S. Highway 290, via Sonora, Tex., to Ozona, and return over the same route, serving all intermediate points; (5) between Houston, Tex., and junction U. S. Highway 90 and Alternate U. S. Highway 90, near Columbus, Tex., from Houston over U. S. Highway 90 (formerly Texas Highway 73) to junction Alternate U. S. Highway 90, near Columbus, and return over the same route; (6) between Waelder, Tex., and San Antonio, Tex., from Waelder over Texas Highway 3 to Sequin, Tex., thence over unnumbered highway to San Antonio, and return over the same route, serving all intermediate points; (7) between junction U. S. Highway 87 and unnumbered highway and Camp Bullis, Tex., from junction U. S. Highway 87 and unnumbered highway (approximately 11½ miles northwest of San Antonio, Tex.) over unnumbered highway to Camp Bullis, and return over the same route; (8) between junction U. S. Highway 87 and unnumbered highway and Camp Stanley, Tex., from junction U. S. Highway 87 and unnumbered highway (approximately 16 miles northwest of San Antonio, Tex.) over unnumbered highway to Camp Stanley, and return over the same route; (9) between San Angelo, Tex., and Sonora, Tex., over U. S. Highway 277, serving all intermediate points; and (10) between Ft. Stockton, Tex., and Ozona, Tex., over U. S. Highway 290, serving all intermediate points.

NOTE: Applicant seeks no duplicating authority in the instant application. Instant application is directly related to MC-F 6008, published in the July 7, 1955 issue of the FEDERAL REGISTER on page 4837, and republished July 20, 1955 on page 5217, due to supplemental application filed July 5, 1955. Applicant is authorized to conduct operations in Texas.

No. MC 106497 Sub 9, filed July 11, 1955, PARKHILL TRUCK COMPANY, a corporation, 2000 E. Jasper Street, P. O. Box 1856, Tulsa, Okla. Applicant's attorney: Carl V. Kretsinger, Suite 1014-18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (1) between points in Ohio, and (2) between

points in Ohio, and points in Illinois, Indiana, Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, and Wyoming. *Commodities*, and *parts thereof* the transportation of which because of their size or weight requires the use of special equipment or handling, except those specified above, (1) between points in Ohio, and (2) between points in Ohio, and points in Illinois, Indiana, Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, and Wyoming. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

No. MC 106603 Sub 40, filed July 11, 1955, DIRECT TRANSIT LINES, INC., 209 Colrain Street, S. W., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *Salt*, from Manistee, Mich., to Milwaukee, Wis., points in Illinois south of U. S. Highway 36, those in Iowa west of U. S. Highway 65, those in Missouri, except St. Louis, and those in Wisconsin north of a line beginning at the Minnesota-Wisconsin State line, and extending along U. S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., thence along U. S. Highway 141 to junction Manitowoc County Highway D, north of Manitowoc, Wis., and thence east in a straight line along Manitowoc County Highway D to Lake Michigan. Applicant is authorized to conduct operations in Michigan, Illinois, Ohio, Indiana, Wisconsin, Iowa and Missouri.

No. MC 107403 Sub 207, filed July 12, 1955, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-19 Lewis Tower Building, 225 South 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, and fertilizer ammoniating solutions*, in bulk, in tank vehicles, from Hopewell, Va., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania. Applicant is authorized to conduct operations in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia.

No. MC 107403 Sub 208, filed July 14, 1955, E. BROOKE MATLACK, INC., 33rd & Arch Sts., Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, and the District of Columbia.

No. MC 107496 Sub 61 (amended) published on page 4607 of issue of June 20, 1955. RUAN TRANSPORT CORPORATION, a corporation, 408 S. E. 30th St., Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant) For authority to operate as

a common carrier over irregular routes, transporting: (1) *Fertilizer compounds*, dry, not otherwise identified by name, urea feed mixture, and urea, in bulk, in hopper vehicles, from La Platte, Nebr., to points in Kansas, Missouri, Iowa, Minnesota, and Wisconsin, (2) *fertilizer and fertilizer ingredients*, in bulk, and in bags, (a) from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, and (b) from Eagle Grove, Iowa, and St. Joseph, Mo., to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, (3) *liquid fertilizer and fertilizer ammoniating solutions*, in bulk, in tank vehicles, from La Platte, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, and (4) *liquid fertilizers*, including but not limited to *anhydrous ammonia* and *aqua ammonia*, in bulk, in tank vehicles, from points in Pike County, Mo., to points in Illinois, Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 107515 Sub 182, filed June 22, 1955, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a common carrier over irregular routes, transporting: *Salads*, unfrozen, requiring refrigeration, from Indianapolis, Ind., to points in Alabama, Georgia, Florida, North Carolina, South Carolina and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin.

No. MC 108001 Sub 10, filed June 29, 1955 (amended) OHIO TRI-COUNTY TRUCKING CO., a corporation, 1915 Alexis Road, Toledo 12, Ohio. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a common carrier over irregular routes, transporting: *Limestone*, in bulk, in dump trucks and trailers, from points in that portion of Ohio bounded by a line beginning at the junction of the Indiana-Ohio State line and U. S. Highway 6, and extending along U. S. Highway 6 to junction with Ohio Highway 108 at Napoleon, Ohio, thence south on Ohio Highway 108 to junction with Ohio Highway 15, thence southeast on Ohio Highway 15 to junction with Ohio Highway 65, thence south on Ohio Highway 65 to junction with Ohio Highway 81 at Lima, Ohio, thence west on Ohio Highway 81 to junction with U. S. Highway 33, thence northwest on U. S. Highway 33 to the Indiana-Ohio State line, thence north along the Indiana-Ohio State line to point of beginning, to points in Indiana bounded on the south by U. S. Highway 224, on the west by U. S. Highway 27, on the north by the Michigan-Indiana State line and on the east by the

Indiana-Ohio State line. Applicant is authorized to conduct operations in Ohio, Michigan and Indiana.

No. MC 109101 Sub 5, filed June 30, 1955, J. H. MARKS TRUCKING CO., a corporation, P. O. Box 2192, Odessa, Tex. Applicant's attorney: Herbert L. Smith, Perry-Brooks Building, Austin 1, Tex. For authority to operate as a common carrier over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in Arizona, Colorado, New Mexico and that part of Texas west and south of a line beginning at the Texas-Oklahoma State line and extending along U. S. Highway 81 to San Antonio, Tex., thence along U. S. Highway 90 to Houston, Tex., and thence along U. S. Highway 75 to Galveston, Tex., including points on the indicated portions of the highways specified.

No. MC 109924 Sub 4, filed June 21, 1955, EASTON MOTOR FREIGHT, INC., Lehigh and Apple Streets, Easton, Pa. Applicant's representative: A. E. Enoch, Brodhead Block—556 Main Street, Bethlehem, Pa. For authority to operate as a common carrier, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Lehigh and Northampton Counties, Pa., and Phillipsburg, N. J., on the one hand, and, on the other, Newark, N. J., and points in New Jersey on and North of New Jersey Highway 28 within 15 miles of Newark. (2) *General commodities*, between points in the New York, N. Y., Commercial Zone, as defined by the Commission. Applicant's certificate No. MC 109924 Sub 2 authorizes: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Lehigh and Northampton Counties, Pa., and Phillipsburg, N. J., on the one hand, and, on the other, Newark, N. J., and points in New Jersey on and North of New Jersey Highway 28 within 15 miles of Newark. *General commodities*, in collection and delivery services, between points in the NEW YORK, N. Y. COMMERCIAL ZONE, as defined by the Commission in 1 M. C. C. 665. Applicant states the purpose of this application is to remove the restriction reading "in collection and delivery services" so as to permit the transportation of traffic to and from New York, N. Y., Commercial Zone in connection with through movements to and

from points beyond. Applicant maintains terminals at Union, N. J., and Maspeth, N. Y., and interchanges traffic with various carriers from and to points beyond at Union, N. Y. To facilitate the interchange of this traffic and to conserve equipment, etc. this application is made to remove the restriction as now applicable to the New York, N. Y., Commercial Zone. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

No. MC 111008 Sub 8, filed June 27, 1955, (amended) JESSE KIRK, JR., doing business as JESSE KIRK, JR. TRUCK LINE, P. O. Box 461, North Travis, Cameron, Tex. Applicant's attorney: Don G. Humble, Camp & Camp, Cameron, Tex. For authority to operate as a contract carrier over irregular routes, transporting: (1) (a) *Salt*, common (sodium chloride), loose in bulk, in packages, and in machine pressed or fused blocks; phosphated or calcium phosphated, loose in bulk, in packages, and in machine pressed or fused blocks; iodized or sulphurized, in packages, and in machine pressed or fused blocks; phosphated or calcium phosphated containing not in excess of three per cent of other minerals, in packages, and in machine pressed or fused blocks; containing a mixture of food curing or flavoring ingredients, whether or not subjected to actual smoking processes or chemically treated to simulate smoke salt, in packages; and containing chemical ingredients such as borax, disodium phosphate, and sodium sulphate, not to exceed eight per cent of the total weight, suitable only for curing or drying lumber, and not as a wood preservative, in packages, and in bulk; and (b) *salt*, livestock medicated, containing not to exceed three per cent of medicinal elements, in packages, and in blocks, machine pressed or fused, weighing 50 pounds each or over, from the plant of the Carey Salt Company at Winnfield, La., to points in New Mexico on and south of U. S. Highway 66, and (2) *empty containers or other such incidental facilities*, (not specified) used in transporting the above-specified commodities, from points in the above-specified destination territory to the plant of the Carey Salt Company at Winnfield, La. Applicant is authorized to conduct operations in Louisiana, and Texas.

No. MC 111181 Sub 1, filed June 22, 1955, COASTLINE TRANSPORTATION CO., INC., 130 Ward Ave., Trenton, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a contract carrier over irregular routes, transporting: *Malt beverages*, from points in the New York, N. Y. and Philadelphia, Pa. Commercial Zones, as defined by the Commission, to points in New Jersey—empty malt beverage containers and skids on return. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 111302 Sub 17, filed July 11, 1955, HIGHWAY TRANSPORT, INCORPORATED, P. O. Box 5096, Knoxville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway National Bank Building, Nashville, Tenn. For authority to operate as a common carrier over irregular routes, transporting:

Synthetic resins, and chemicals, in bulk, in tank vehicles, from Knoxville, Tenn., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Texas, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Tennessee, and West Virginia.

No. MC 111472 Sub 30, filed July 15, 1955, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney—Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Agricultural machinery*, as defined by the Commission, from Burlington, Iowa, to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Kansas, Missouri, Indiana, Michigan, Ohio and Wisconsin. Applicant is authorized to conduct operations in all states in the United States except Arizona, California, Florida, Idaho, Kentucky, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Virginia, Washington, West Virginia, Wyoming and the District of Columbia.

No. MC 111731 Sub 1, filed July 11, 1955, DALE SAMMONS, Magnolia, Ill. Applicant's attorney—Fleming & Fleming, 601 Livingston Bldg., Bloomington, Ill. For authority to operate as a *contract carrier* over irregular routes, transporting: *Corrugated culvert pipe*, from Peoria, Ill., to points in Appanoose, Benton, Cedar, Clinton, Davis, Des Moines, Henry, Iowa, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Mahaska, Monroe, Muscatine, Scott, Van Buren, Wapello and Washington Counties, Iowa. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 112696 Sub 8, filed July 12, 1955, HARTMANS, INCORPORATED, 202 North Liberty Street, Harrisonburg, Va. For authority to operate as a *common carrier* over irregular routes, transporting: *Barn equipment and poultry house equipment*, as more fully described in the application, from Harrisonburg, Va., to points in New York, Connecticut, Massachusetts, Rhode Island, Delaware and New Jersey. Applicant is authorized to conduct operations in Arkansas, Connecticut, Georgia, Indiana, Maryland, Massachusetts, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas and Virginia.

No. MC 113586 Sub 2, filed July 15, 1955, BERNARD PILASKAS, doing business as PIGEON CARRIERS, 2574 Wallace Ave., Bronx 67, N. Y. Applicant's attorney—Martin Werner, 295 Madison Ave., New York 17, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Homing pigeons*, in crates, and in connection therewith, *personal effects of attendants*, and *supplies and equipment*, used in the care of such pigeons, between New York City and Westchester County, N. Y., Fairfield County Conn., and points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia. Applicant is authorized to conduct operations in New York, Maryland, Virginia, North Caro-

lina, Delaware, New Jersey, and the District of Columbia.

No. MC 114048 Sub 1, filed July 14, 1955, EDWARD C. GEBEKE, doing business as GEBEKE, 221 North Oak St., Sauk Centre, Minn. Applicant's attorney—Richard M. Bosard, 1160 Northwestern Bank Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Rosemount Township, Minn., to points in LaMoure, Dickey, Ransom, Sargent, and Richland Counties, N. Dak. Applicant is authorized to conduct operations in Minnesota and North Dakota.

No. MC 114419 Sub 2, filed July 6, 1955, ALBANY BINGHAMTON EXPRESS, INC., 63 Elm St., Binghamton, N. Y. Applicant's attorney—John J. Brady, Jr., 75 State St., Albany 7, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *A. General commodities*, except those of unusual value, and Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Albany, Oneonta, and Richfield Springs, N. Y., from Albany over U. S. Highway 20 to Duaneburg, N. Y., thence over New York Highway 7 to Oneonta, thence over New York Highway 28 to Coopersdown, thence over New York Highway 80 to junction U. S. Highway 20, thence over U. S. Highway 20 to Richfield Springs, and thence over U. S. Highway 20 to Albany; (2) from Cherry Valley, N. Y., over New York Highway 166 to Milford, N. Y., (3) from Cobleskill, N. Y., over New York Highway 145 to junction U. S. Highway 20; (4) from Cobleskill over New York Highway 10 to junction U. S. Highway 20; and (5) from Cooperstown over unnumbered highway to junction New York Highway 155; and return over each of the above routes, serving all intermediate points and the off-route points of Altemont, Voorheesville, Argusville, Central Bridge, Delamont, Salt Springville and Howes Cave, N. Y. B. (1) Between Albany and Binghamton, N. Y., from Albany over New York Highway 32 to Menands, N. Y., thence over bridges to Troy, and thence over New York Highway 7 to Binghamton, (2) from Oneonta, N. Y., over New York Highway 23 to Norwich, N. Y., thence over New York Highway 12 to Binghamton, N. Y., and return over each of the above routes, serving all intermediate points and the off-route points of Rensselaer, Scotia, Middleburgh, and Franklin, N. Y. C. (1) Between Binghamton and Buffalo, N. Y., from Binghamton over New York Highway 17 or 17C to Owego, N. Y., thence over New York Highways 17 and 283 to Smithboro, N. Y., thence over New York Highway 17 to Elmira, N. Y., thence over New York Highways 17 or 17E to Big Flats, N. Y., thence over New York Highway 17 to Olean, N. Y., and thence over New York Highway 16 to Buffalo, (2) from Binghamton, N. Y., over New York Highway 17 to Jamestown, N. Y., thence over New York Highway 17 to Kennedy, N. Y., and thence over U. S. Highway 62 to Buffalo, N. Y., (3) from Corning, N. Y., over U. S. Highway 15 to Wayland,

N. Y., thence over New York Highway 63 to Batavia, N. Y., and thence over New York Highway 33 to Buffalo, N. Y., (4) from Jasper, N. Y., over New York Highway 21 to Hornell, N. Y., thence over New York Highway 36 to Caledonia, N. Y., and thence over New York Highway 5 to Buffalo, N. Y., (5) from Genesee, N. Y., over New York Highway 39 to Avon, N. Y., thence over U. S. Highway 20 and New York Highway 130 to Buffalo, N. Y., and (6) from Buffalo, N. Y., over U. S. Highway 62 to Niagara Falls, N. Y., and return over each of the above routes, serving all intermediate points, and the off-route points of Lackawanna, Hammondsport, Livonia, Prattsburg, Alfred, Troupsburg, Atlanta, Campbell, Howard, Landley Perkinsville, Pine City, Preshto, Seeley Creek, and Springwater, N. Y. D. (1) Between Binghamton and Ithaca, N. Y., from Binghamton over New York Highway 17 or 17C to Owego, N. Y., thence over New York Highway 96 to Ithaca (also from Binghamton over New York Highways 17 or 17C to Owego, N. Y., thence over New York Highway 38 to Richford, N. Y., and thence over New York Highway 79 to Ithaca), (2) from Owego, N. Y., over New York Highway 17 to Elmira, N. Y., thence over New York Highway 13 to Ithaca, and return over the above routes, serving all intermediate points and the off-route points of Van Etten, Wellsburg, Erin, Straits Corners, and Union, N. Y. (B) *Compressed gases and corrosive liquids*, (1) Between Albany and Owego, N. Y., from Albany over New York Highway 32 to Memands, N. Y., thence over bridges to Troy, N. Y., thence over New York Highway 7 to Binghamton, and thence over New York Highway 17C to Owego, (2) from Oneonta, N. Y., over New York Highway 23 to Norwich, N. Y., thence over New York Highway 12 to Binghamton, N. Y., and return over the above routes, serving no intermediate points and the off-route points of Rensselaer, Scotia, Middleburgh, and Franklin, N. Y., and (C) *Chemicals and corrosive liquids*, over irregular routes, from Rensselaer, N. Y., to Cherry Valley and New Berlin, N. Y., and *Empty chemical carboys* on return movement. Applicant is authorized to conduct operations in New York.

No. MC 114718 Sub 2, filed July 15, 1955, WILLIAM H. ELLIOTT, doing business as OHIO VALLEY MOTOR FREIGHT, Moore's Junction, Marietta, Ohio. Applicant's attorney—Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ferro alloys and silicon metals*, in bulk, from Graham (Mason County) W. Va., to all points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania and West Virginia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania and West Virginia.

No. MC 114835 Sub 2, filed June 22, 1955, DULUTH, SOUTH SHORE AND ATLANTIC RAILROAD COMPANY, a

corporation, 1734 First National Bank Building, Minneapolis 2, Minn. Applicant's attorney: Thomas M. Beckley, Assistant General Solicitor, Law Department, (same address as applicant) For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, *milk, cream, empty containers* for milk and cream, *newspapers*, and *baggage*, (1) between Marquette, Mich., and Mackinaw City, Mich., from Marquette over Michigan Highway 28 to junction Michigan Highway 117, thence over Michigan Highway 117 to Newberry, Mich., and return over Michigan Highway 117 to junction Michigan Highway 28, thence continuing over Michigan Highway 28 to junction Michigan Highway 123, thence over Michigan Highway 123 to junction U. S. Highway 2, thence southward over U. S. Highway 2 to Saint Ignace, thence via ferry to Mackinaw City, and return over the same route, serving the intermediate points of Deerton, Au Train, Wetmore, Shingleton, Seney, McMillan, Newberry, Trout Lake, Ozark, Moran, Allenville, and Saint Ignace, Mich. and (2) between Saint Ignace, Mich., and Newberry, Mich., from Saint Ignace westward over U. S. Highway 2 to junction Michigan Highway 117, thence over Michigan Highway 117 to Newberry, and return over the same route, serving no intermediate points, for operating convenience only, in connection with that portion of the operations applied for in (1) above between Newberry and Saint Ignace, Mich.

No. MC 114913 Sub 1, filed July 14, 1955, CLAUDE BUTLER, doing business as BUTLER TRUCKING CO., Show Low, Arizona. Applicant's attorney: Joseph M. Montova, Salmon Bldg., Santa Fe, N. Mex. For authority to operate as a *contract carrier* over irregular routes, transporting: *Lumber* from Show Low, Ariz., to Alamogordo, N. Mex.

No. MC 115052 Sub 1, filed July 5, 1955, BLAINEPORT HURON MOTOR EXPRESS, INC., 305 Medical Building, Bellingham, Wash. Applicant's attorney: George R. LaBissoniere, 835 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier* over irregular routes, transporting: *Machinery, automotive equipment, and machinery parts and supplies*, from points in Michigan, Ohio, Indiana, Illinois and Wisconsin to the International Boundary Line between the United States and Canada at or near Blaine and Sumas, Wash. Restricted to International traffic.

No. MC 115289 Sub 1, filed July 11, 1955, WM. A. WAYNE, doing business as WAYNE TRANSPORTATION COMPANY, 3620 South 2175 East Street, Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh meat, and packing-house products*, from Salt Lake City, Utah to Anaheim, Berkeley, Broderick, Burbank, Chico, Downey, Fresno, Hayward, Inglewood, Long Beach, Los Angeles, Modesto, Mountain View, Napa, Niles, Oakland, Paso Robles, Richmond, Riverside, Rodeo, Sacramento, San Bernardino, San Diego, San Fernando, San Francisco, San Jose,

Santa Clara, Stockton, Vallejo, Walnut Creek, George Air Force Base near Victorville, March Air Force Base, March Field, and Norton Air Force Base near San Bernardino, California, Lake Mead Base, Naval Administrative Unit and Nellis Air Force Base, near Las Vegas, Nevada.

No. MC 115402, filed June 13, 1955, ED ANDERSON, doing business as CROSBY TRANSFER, Crosby, N. Dak. Applicant's attorney: F. Leslie Forsgren, Crosby, N. Dak. For authority to operate as a *common carrier* over regular and irregular routes, transporting: *REGULAR ROUTE: Coal*, from Plentywood, Mont., to Fortuna, N. Dak., from Plentywood over Montana Highway 5 to the Montana-North Dakota State line, thence over North Dakota Highway 5 to the 780th Aircraft Control and Warning Station, Fortuna. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Serving no intermediate points. *IRREGULAR ROUTES: General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in North Dakota and Montana on, west, north and east of a line commencing at the International Boundary line between the United States and Canada and extending along North Dakota Highway 8 to junction U. S. Highway 2, thence along U. S. Highway 2 to the North Dakota-Montana State line, thence along the Montana-North Dakota, Montana-South Dakota and Montana-Wyoming State lines to junction U. S. Highway 212, thence along U. S. Highway 212 to Miles City, Mont., thence along Montana Highway 10 to Glendive, Mont., thence along Montana Highway 18 to Circle, Mont., thence along Montana Highway 13 to the International Boundary line between the United States and Canada, and thence along said boundary line to point of beginning.

No. MC 115416, filed June 20, 1955, WILLIAM RYAN, doing business as RYAN OIL COMPANY, Box 88, Bisbee, Ariz. Applicant's attorney: Wesley E. Polley, County Court House, Bisbee, Ariz. For authority to operate as a *contract carrier* over regular routes, transporting: *Refined petroleum products*, in bulk, in tank vehicles, from El Paso, Tex., to Coolidge, and Casa Grande, Ariz., as follows: From El Paso over U. S. Highway 80, via Las Cruces, Deming, and Lordsburg, N. Mex., to junction New Mexico Highway 14, thence over New Mexico Highway 14 to Steins, N. Mex., thence over Arizona Highway 86 to Benson, Ariz., thence over U. S. Highway 83 to Tucson, Ariz., thence over Arizona Highway 84 to Casa Grande, (also from Tucson, Ariz., over Arizona Highway 84 to Picacho, Ariz., thence over Arizona Highway 87 to Coolidge) and return with no transportation for compensation on return.

No. MC 115419, filed June 20, 1955, Edmund Teske, doing business as ED'S TRUCKING SERVICE, Route 4, Box 26C, Pewaukee, Wis. For authority to oper-

ate as a *contract carrier* over regular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Sussex, Wis., over Wisconsin Highway 164 to junction U. S. Highway 16, thence over U. S. Highway 16 to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction U. S. Highway 45 to Half Day, Ill., (also over U. S. Highway 41 from junction Wisconsin Highway 100 and U. S. Highway 41 to Half Day, Ill.) thence over U. S. Highway 12 to Argo, Blue Island, Franklin Park and Bedford Park, Ill.

No. MC 115431, filed June 27, 1955, PETER B. KOOI, doing business as INTERMOUNTAIN FREIGHT LINE, 1820 South Zuni Street, Denver 23, Colo. Applicant's attorney: Albert L. Vogl, Suite 709 Kittredge Bldg., Denver 2, Colo. For authority to operate as a *contract carrier* over a regular route, transporting: *General commodities*, including *household goods* as defined by the Commission, but excluding commodities of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, from Denver, Colo., to Kremmling, Colo., operating from Denver over U. S. Highway 40 to Golden, Colo., thence over new U. S. Highway 6 to junction U. S. Highway 40, near Empire, Colo., thence over U. S. Highway 40, via Granby, Colo., to Kremmling, and return over the same route, serving all intermediate points from the Summit of Berthoud Pass, Colo., to and including Kremmling on U. S. Highway 40.

No. MC 115440, filed July 1, 1955, LOUIS MILGROM, doing business as STAINLESS TRANSPORT COMPANY, 2346 National Bank Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, which require the use of stainless steel-lined tankwagons, between points in Michigan, Ohio, Indiana, Kentucky, and Illinois.

No. MC 115455, filed July 11, 1955, J. W. CARTER and MALCOLM RICE, doing business as CARTER & RICE, Route No. 6, Sparta, Tenn. For authority to operate as a *contract carrier* over irregular routes, transporting: *Poultry feed and animal feed*, from Springfield, Mo., to Sparta, Cookeville, Gainesboro, Livingston, Byrdstown, and McMinnville, Tenn.

No. MC 115462, filed July 15, 1955, FRANK CHURILLO, 131 Louisiana Avenue, Brooklyn, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *Cement*, in bags, from Brooklyn, N. Y., to points in Nassau and Suffolk Counties, N. Y., and *empty skids and empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return movements.

CORRECTIONS

Application of Walter Rowan, Jamestown, N. Y., published on Page 5215, issue of July 20, 1955, erroneously assigned Docket No. MC 112474 Sub 23. The cor-

rect docket number assigned thereto is MC 112474 Sub 2 (Two)

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 85401 Sub 2, filed May 23, 1955, published in the July 13, 1955 issue, page 5006, amended July 15, 1955, WILLIAM E. HESSELGRAVE, doing business as BELLINGHAM-SUMAS STAGES, R. F. D. No. 1, Sumas, Wash. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Whatcom County, Wash., and extending to points in Washington. Applicant is authorized to conduct regular route operations in Washington.

No. MC 108219 Sub 1, filed June 16, 1955, amended July 18, 1955, published in July 7, 1955 issue, page 4836, GREY GOOSE BUS LINES LIMITED, Union Bus Depot, Winnipeg, Manitoba, Canada. Applicant's attorney: Aikins, MacAulay, Moffat, Dickson, Hinch & McGavin, Somerset Bldg., Portage Ave., Winnipeg 1, Canada. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, mail and newspapers*, in the same vehicle with passengers, between the Port of Entry on the International Boundary between the United States and Canada near Pine Creek, Minn., and International Falls, Minn., from said Port of Entry over Minnesota Highway 89 to Fox, Minn., thence over Minnesota Highway 11 to International Falls, and return over the same route, serving all intermediate points except points on Minnesota Highway 11 between Baudette and Fox, Minn., inclusive. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin and Wyoming.

No. MC 115456, filed July 12, 1955, LIMOUSINE RENTAL SERVICE, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof and children under ten years of age who do not occupy a seat or seats, in special operations, in non-scheduled door-to-door service, during the periods extending from May 15th to September 15th both inclusive, from December 20th to January 3rd both inclusive, from February 10th to February 14th both inclusive, from February 20th to February 24th both inclusive, and on Thanksgiving day and the two days preceding and the two days following Thanksgiving day, of each year, between points in Pike County, Pa., on the one hand, and, on the other, points in Rockland, Orange and Bergen Counties, N. Y., and New York, N. Y.

APPLICATIONS UNDER SECTION 5 AND 210a (b), SUPPLEMENT

No. MC-F 5996 filed in the June 22, 1955, issue of the FEDERAL REGISTER on page 4387. By supplement filed July 11, 1955, E. A. MURRAY, doing business as MURRAY MOTOR TRANSPORT, seeks to join in the application as vendor.

CORRECTION

No. MC-F 6010 filed in the July 7, 1955, issue of the FEDERAL REGISTER on page 4837. The name of J. S. RYDER was inadvertently omitted from the list of persons seeking control of the operating rights and property through the transaction.

CORRECTION

MC-F 6013. Application entitled HARVEY JONES—CONTROL, JONES TRUCK LINES, INC.—PURCHASE (PORTION)—YELLOW TRANSIT FREIGHT LINES, INC., was erroneously shown as No. MC-F 6031, in lieu of MC-F 6013, in the July 13, 1955, issue of the FEDERAL REGISTER on page 5010.

CORRECTION

MC-F 6015. Application entitled ELMER F. MAUREER—CONTROL, MID-LEWEST FREIGHTWAYS, INC.—PURCHASE—R. F. WALLACE, GENEVIEVE WALLACE, HEIR-AT-LAW was erroneously shown as No. MC-F 6051, in lieu of MC-F 6015, in the July 13, 1955, issue of the FEDERAL REGISTER on page 5010.

MC-F 6022. Authority sought for purchase by JOHN R. LESOINE, 1870 West Main St., Stroudsburg, Pa., of the operating rights of PERCY FERRIS, JR., Verbank, N. Y. Applicant's attorney: James K. Peck, 811 Scranton Electric Building, Scranton, Pa. Operating rights sought to be transferred: *Coal*, during the season of each year between September 15 and March 31, both inclusive, as a *common carrier* over irregular routes, from Scranton, Pa., and points within 25 miles thereof, to points in Columbia County, N. Y., on and south of a line beginning at Hudson, but not including Hudson and extending to the New York-Massachusetts State line, and those in Dutchess County, N. Y., on and north of a line beginning at Poughkeepsie, but not including Poughkeepsie, and extending due east to the New York-Connecticut State line. Vendee is authorized to operate in Pennsylvania, New Jersey, New York, Ohio, Connecticut, Maryland, Delaware, Rhode Island, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

MC-F 6024. Authority sought for purchase by MERCHANTS TRANSFER AND STORAGE COMPANY, 920 E St., N. W., Washington, D. C., of the operating rights and certain property of N. ROY KRAMER, doing business as N. ROY KRAMER TRANSFER & STORAGE COMPANIES, 900 Burlington Ave., Silver Spring, Md., and for acquisition by JOHN L. NEWBOLD AND KATHARINE W. NEWBOLD, Washington, D. C., of control of said operating rights and property through purchase. Applicants'

attorney: S. Harrison Kahn, 726-34 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Takoma Park, Md., Alexandria, Va., points in Arlington County, Va., and points in Maryland within 10 miles of Takoma Park, on the one hand, and, on the other, points in Pennsylvania, Delaware, Georgia, South Carolina, North Carolina, Virginia, Maryland and Florida; and *household goods* as defined by the Commission, and *soda fountain equipment*, between Washington, D. C., on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Tennessee, Georgia, South Carolina, Virginia, Maryland and Florida. Vendee is authorized to operate as a common and contract carrier in Maryland, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

MC-F 6025. Authority sought for purchase by CONVOY COMPANY, a corporation, 3900 N. W. Yeon Ave., Portland, Oreg., of the operating rights of WALLACE WORTHINGTON, doing business as WALLY'S MARINE SALES AND SERVICE, 116 North State, Oswego, Oreg., and for acquisition by YOELELL, INC., 2155 Northlake Ave., Seattle, Wash., of control of the operating rights through the purchase. Applicants' attorney: Marvin Handler, 465 California St., San Francisco, Calif. Operating rights sought to be transferred: *Boats and equipment therefor* on vehicles equipped with boat cradle bodies, as a *common carrier* over irregular routes, between points in Idaho, Oregon, and Washington, restricted to boats more than 16 feet in length; and *boats*, not less than 16 feet nor more than 40 feet in length, and *equipment for such boats*, on vehicles equipped with boat cradle bodies, and excluding shipments moving on government bills of lading, between points in Oregon on the one hand, and, on the other, points in California. Vendee is authorized to operate in Oregon, Washington, Montana, Idaho, Colorado, Nevada, Utah, Wyoming, California, North Dakota, Arizona, New Mexico, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, and Louisiana. Application has not been filed for temporary authority under section 210a (b).

MC-F 6026. Authority sought for purchase by GREAT SOUTHERN COACHES, INC., 311 Union Street, Jonesboro, Ark., of a portion of the operating rights of J. O. DAVIS, JR., doing business as DELTA MOTOR COACHES, Hughes, Ark., and for acquisition by MARIE N. JOHNSON, HELEN J. RAMSEY, and S. D. JOHNSON, Shreveport, La., of control of the operating rights through the purchase. Applicant's attorneys: James W. Wrape, Sterick Building, Memphis, Tenn., and John S. Mosby, Lepanto, Ark. Operating rights sought to be transferred: *Passengers*, as a *common carrier*, over a regular route, between Memphis, Tenn., and Paragould, Ark., serving all intermediate points between West Memphis and Para-

gould, Ark. Vendee is authorized to operate in Arkansas, Missouri, and Illinois. Application has not been filed for temporary authority under section 210a (b).

MC-F 6027. Authority sought for purchase by NEEDES' EXPRESS, INC., 25 South Manor Ave., Kingston, N. Y., of the operating rights and property of W. E. KONEN, ALEXANDER KONEN, and GEORGE KONEN, doing business as KONEN BROS. MOTOR EXPRESS, and for acquisition by CLAUDE L. NEEDES, 25 South Manor Ave., Kingston, N. Y., of control of said operating rights and property through the purchase. Applicants' attorney: Martin Werner, 295 Madison Ave., New York, N. Y. Operating rights sought to be transferred: *General commodities* with certain exceptions not including household goods, as a *common carrier* over a regular route between Albany, N. Y., and Fair Haven, Vt., serving all intermediate points and certain off-route points. Vendee is authorized to operate in New York, Pennsylvania, New Jersey, and Delaware. Application has not been filed for temporary authority under Section 210a (b).

MC-F 6028. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 2929 N. W. Quimby St., Portland, Oregon, of the operating rights and certain property of R. A. CONYES, doing business as R. A. CONYES TANK LINES, 13685 San Pablo Ave., San Pablo, Calif., and for acquisition by PEERLESS, INC., 2029 N. W. Quimby St., Portland, Oregon, E. W. A. PEAKE, 1915 Outpost Drive, Hollywood, Calif., WANDA PEAKE, 1915 Outpost Drive, Hollywood, Calif., LELAND JAMES, 2029 N. W. Quimby St., Portland, Oregon, and ERIC RENDAH, 2029 N. W. Quimby St., Portland, Oregon, of control of said operating rights and property through the purchase. Applicants' attorneys: Thomas J. White and Norman E. Sutherland, 1100 Jackson Tower, Portland 5, Oregon, and Marvin Handler, 465 California St., San Francisco 4, Calif. Operating rights sought to be transferred: *Crude oil and petroleum products*, as a *common carrier* over irregular routes, from, to, and between certain points in California and Nevada, *asphalt, asphalt emulsion, and road oil*, in bulk, in tank vehicles, from Steamboat Springs, Nev., to points in Alpine, Amador, Calaveras, Eldorado, Inyo, Lassen, Mariposa, Modoc, Mono, Nevada, Placer, Plumas, Sierra, and Tuolumne Counties, Calif. Vendee is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under Section 210a (b).

MC-F 6029. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth St., Rapid City, S. Dak., of a portion of the operating rights of CLARENCE BOOTH, doing business as BOOTH TRANSPORTATION LINES, O'Neill, Nebr., and for acquisition by MILO H. BARBER, 321 Sixth St., Rapid City, S. Dak., of control of said operating rights through the purchase. Applicants' attorneys: Wentworth E. Grif-

fin and Lee Reeder, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route, between Murdo, S. Dak., and Omaha, Nebr., serving certain intermediate points. Vendee is authorized to operate in South Dakota and Wyoming. Application has been filed for temporary authority under Section 210a (b).

MC-F 6030. Authority sought for control and merger by DENVER-AMARILLO EXPRESS, 200 N. Fillmore St., Amarillo, Texas, of the operating rights and property of EAST-WEST SYSTEM, INC., 1501 Exchange Ave., Oklahoma City, Okla., and for acquisition by D. G. DALBY, 2005 Julian St., Amarillo, Texas, of control of the operating rights and property through the transaction. Applicants' attorney: Sterling E. Kinney, 630 Amarillo Bldg., Amarillo, Texas. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, including routes between Enid, Okla., and Oklahoma City, Okla., between Perryton, Texas, and Wheeler, Texas, and between Amarillo, Texas and Wheeler, Texas, serving certain intermediate and off-route points; regular route for operating convenience only between Sayre, Okla., and Amarillo, Texas. Denver-Amarillo Express is authorized to operate in Colorado, Texas, and New Mexico. Application has not been filed for temporary authority under Section 210a (b).

No. MC-F 6031. Authority sought for control by RYDER SYSTEM, INC., 1642 Northwest 21st Terrace, Miami, Fla., of the operating rights and property of EMMOTT-VALLEY TRANSPORTATION CO., INC., 95 South Main St., Uxbridge, Mass., and for acquisition by J. S. RYDER, R. N. REEDY, J. C. PARKER, and A. E. GREENE, JR., Miami, Fla., of control of the operating rights and property through the transaction. Applicants' attorney: Clarence D. Todd, 944 Washington Bldg., Washington 5, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Worcester, Mass., and Providence R. I., between Uxbridge, Mass., and Boston, Mass., between New York, N. Y., and Boston, Mass., and between New London, Conn., and Danielson, Conn., serving certain intermediate and off-route points; certain routes for operating convenience only: *general commodities*, with the above-noted exceptions, over irregular routes, between New York, N. Y., on the one hand, and, on the other, points in eight New Jersey counties; *textile machinery, materials supplies and equipment* incidental to, or used in, the manufacture, sale, or distribution of textiles; *paper bags, twine, rope, and clothes pins*, over irregular routes, from, to and between certain points in Massachusetts, Rhode Island, Connecticut and New York. Applicant is not a motor carrier but owns all the capital stock of Great Southern Trucking Company, which is

authorized to operate in the States of Alabama, Georgia, South Carolina, North Carolina, Florida and Tennessee. Application has not been filed for temporary authority under Section 210a (b).

MC-F 6032. Authority sought for purchase by PACKERS EXPRESS, INC., 4554 Crescent Blvd., Camden, N. J., of a portion of the operating rights of CHARLES J. HARTMAN AND LOUIS A. HARTMAN, doing business as HARTMAN BROS., 15th and Mickle Sts., Camden, N. J., and for acquisition by MARTHA I. MATHEWS, 4554 Crescent Blvd., Camden, N. J., of control of the operating rights through the purchase. Applicants' attorney: August W. Heckman, 880 Bergen Ave., Jersey City 6, N. J. Operating rights sought to be transferred: *Paper products and such commodities as are dealt in by wholesale and retail dry goods and grocery houses* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Newark, New Brunswick, Trenton, Perth Amboy, Passaic, and Patterson, N. J., and points in the New York, N. Y., Commercial Zone as defined by the Commission. Vendee is authorized to operate in Illinois, Wisconsin, Indiana, Kentucky, Michigan, Missouri, Ohio, New Jersey, Pennsylvania, New York, Maryland, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

MC-F 6033. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oregon, of the operating rights and property of UTAH-ARIZONA FREIGHT LINES, 634 South Third West, Salt Lake City, Utah, and for acquisition by E. W. A. PEAKE and WANDA PEAKE, 501 Santa Rosa Drive, Palm Springs, Calif., and PEERLESS, INC., LELAND JAMES, and ERIC RENDAH, 2029 N. W. Quimby St., Portland, Oregon, of control of the operating rights and property through the transaction. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oregon. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and Phoenix, Arizona, serving all intermediate and certain off-route points, *explosives*, between Salt Lake City, Utah, and Phoenix, Arizona, and between Spanish Fork, Utah, and Gunnison, Utah, serving all intermediate points; *fresh fruits*, including citrus fruits, and *vegetables*, in shipments of not less than 5,000 pounds, over irregular routes, from points within 25 miles of Phoenix, Arizona, to intermediate and off-route points in Utah to which service is authorized above, also those within 25 miles of Salt Lake City, Utah, *canned goods*, in shipments of not less than 5,000 pounds from points within 25 miles of Salt Lake City, Utah, to intermediate and off-route points in Arizona authorized in the regular route operation set out above. Consolidated Freightways, Inc., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

Application has not been filed for temporary authority under Section 210a (b)

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-6054; Filed, July 26, 1955;
8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 22, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30875. Commodities—From and to points in Official Territory. Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities, carloads, from specified points in official territory to specified points in official, southern, and western trunk-line territories.

Grounds for relief: Carrier competition and circuitry.

FSA No. 30876: Substituted service—Erie Railroad. Filed by the Erie Railroad Company, for itself. Rates on various commodities (moving under class rates) loaded in or on highway truck trailers that are transported on railroad flat cars, between Chicago, Ill., and Cleveland, Ohio, through Leavittsburg, Ohio, via the Erie Railroad direct.

Grounds for relief: Circuitous route, meeting competition of the direct route of the New York, Chicago and St. Louis Railroad Company performing similar substituted service in competition with motor carriers.

FSA No. 30877: Gypsum rock—From East Shoals and Willow Valley, Ind. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on gypsum rock, crude, in bulk, carloads, from East Shoals and Willow Valley, Ind., to specified points in Alabama, Georgia, Kentucky, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 82 to Agent H. R. Hinsch's I. C. C. 4367, and one other tariff.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-6052; Filed, July 26, 1955;
8:47 a. m.]

[Application 57; Agreement (2)]

MOTOR CARRIERS TARIFF BUREAU, INC. APPLICATION FOR APPROVAL OF AGREEMENT JULY 22, 1955.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed July 20, 1955 by G. H. Dilla, Chief of Tariff Bureau, Motor Carriers Tariff Bureau, Inc., 3350 Superior Ave., Cleveland 14, Ohio.

Agreement involved: An agreement between and among motor common carriers, members of the Motor Carriers Tariff Bureau, Inc., relating to rates, rules, and regulations governing the transportation of property between points served by such carriers in the United States east of the Rocky Mountains and north of the southern boundary of Official territory and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-6053; Filed, July 26, 1955;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-947]

INSTITUTIONAL INVESTORS MUTUAL FUND, INC.

NOTICE OF FILING REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

JULY 21, 1955.

Notice is hereby given that Institutional Investors Mutual Fund, Inc. ("Institutional Investors") a registered open-end investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17 (a) (1) of the Act certain transactions described below.

Institutional Investors, a New York corporation, was organized as an investment medium for New York State mutual savings banks. Its board of directors consists of trustees and officers of such savings banks. The funds of the applicant may be invested only in investments eligible for savings banks under the New York State Banking Law. Applicant is subject to the supervision of, and periodic examinations by, the New York State Banking Department. Applicant has entered into a contract for investment, advisory, custodian, transfer agent, and registrar services with Savings Banks Trust Company, a corporation organized under the Banking Laws of the State of New York, all of whose

stock is owned by savings banks in New York.

Because of the special nature of applicant's organization and method of operation, the Commission by order dated April 23, 1953 (Investment Company Act Release No. 1856), exempted applicant from certain provisions of the Act including section 22 (d) thereof.

Applicant seeks an exemption from section 17 (a) (1) which prohibits any affiliated person of a registered investment company from knowingly selling any security or other property to such investment company with certain exceptions not applicable here. An affiliated person of another person, as defined in section 2 (a) (3) of the Act means, among other things, any person directly or indirectly owning 5 percent or more of the outstanding voting securities of such other person.

Applicant desires such exemption with respect to the future acquisition by it from time to time, from savings banks that may own 5 percent or more of the applicant's stock, securities of a character in which applicant may legally invest, in exchange for its own shares. The exchange will be made at the net asset value of the applicant's stock and at the market value for the securities to be acquired from the savings banks. Applicant also intends to make such exchanges with savings banks which are not shareholders and who desire to become shareholders. The assets of applicant may be invested only in securities eligible for savings banks under the Banking Law of New York.

In support of the exemption applicant contends that the proposed exchanges will effect savings to the savings banks and to the applicant through the elimination of brokerage commissions. Because of such savings, the usual $\frac{1}{2}$ of 1 percent sales load will not be added to the net asset value of the applicant's shares issued in such exchange transactions. Applicant states that, by reason of the basis of each exchange, the consideration involved in each instance will necessarily be reasonable and fair and involve no overreaching.

It is further urged that the organization and operation of the applicant under the limitations to which it is subject, will prevent any affiliated person from using such exchange provision to the detriment of applicant or its stockholders.

Pursuant to the provisions of section 17 (b) the Commission is empowered to exempt by order upon application a proposed transaction prohibited by section 17 (a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act and is consistent with the general purposes of the Act.

Applicant contends that if it were required to present an individual application under section 17 (b) in respect of each exchange transaction to be made in the future with an affiliated person,

the requirement would impose a burden not justified under the circumstances. Applicant expresses the opinion that the standards of section 17 (b) are fully met by this general application under section 6 (c) of the Act in lieu of specific applications with respect to each transaction in the future. Applicant therefore requests that it be relieved of the burden of making individual applications under section 17 (b) of the Act by the granting of the general exemption under section 6 (c) of the Act hereby sought.

Section 6 (c) of the Act authorizes the Commission to exempt by order, among other things, any class of transactions from any provision or provisions of the Act if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 5, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-6047; Filed, July 26, 1955;
8:46 a. m.]

[File No. 31-629]

WISCONSIN SOUTHERN GAS CO., INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JULY 21, 1955.

Notice is hereby given that Wisconsin Southern Gas Company, Inc. ("Wisconsin Southern") a registered holding company, has filed an application with this Commission, designating section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("Act") as applicable thereto, requesting exemption on behalf of itself and its subsidiary, Wisconsin Southern Gas Company ("Gas Company") from the provisions of the Act.

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the request contained therein and the facts alleged in support thereof which are summarized as follows:

Wisconsin Southern, a Wisconsin corporation having its principal office in the City of Lake Geneva, Wisconsin, owns all of the outstanding capital stock of

Gas Company, a gas utility company. Wisconsin Southern is also engaged in the business of selling liquid propane and bottled gas and propane and natural gas appliances in and adjacent to the service area of Gas Company.

Gas Company, a Wisconsin corporation having its principal office in the City of Lake Geneva, Wisconsin, is engaged in the distribution of natural gas at retail in parts of Walworth, Kenosha and Racine Counties in southeastern Wisconsin. The application states that Gas Company is also a "public utility" under the statutes of the State of Wisconsin and is subject to regulation, including rates, securities and service, by the Public Service Commission of Wisconsin.

The consolidated capitalization and surplus of Wisconsin Southern and its subsidiary, per books, as at April 30, 1955, is set forth in the following table:

	Amount	Percent of total
Long term debt:		
Parent company:		
Collateral and collateral trust		
S. F. bonds, 4 percent, 4½ percent, and 5 percent.....	\$323,000	12.1
Subsidiary company:		
3½ percent mortgage bonds, series A.....	1,100,000	43.8
4½ percent serial notes.....	90,000	3.3
Total long term debt.....	1,603,000	45.2
Common stock equity:		
Common stock.....	757,000	27.9
Capital surplus.....	15,877	0.6
Earned surplus.....	334,418	12.3
Total common stock equity.....	1,107,295	40.8
Total capitalization and surplus.....	2,710,295	100.0

The filing states that both Wisconsin Southern and Gas Company are Wisconsin corporations; that they carry on their businesses exclusively in the State of Wisconsin, except for the purchase of natural gas, appliances and supplies from other states; and that said companies fall within the language of section 3 (a) (1) of the act, wherefore Wisconsin Southern requests the Commission to enter an order exempting it and its subsidiary from the provisions of the Act pursuant to section 3 (a) (1) thereof.

Notice is further given that any interested person may, at any time not later than August 8, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such application which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as hereafter amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-6048; Filed, July 26, 1955;
8:46 a. m.]

[File No. 70-3400]

KINGSFORT UTILITIES, INC., AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING RECAPITALIZATION OF PUBLIC UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND ISSUANCE OF \$5,000,000 PRINCIPAL AMOUNT OF BANK LOAN NOTES

JULY 21, 1955.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and its public utility subsidiary, Kingsfort Utilities, Incorporated ("Kingsfort") have filed a joint application-declaration with the Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") Applicant-declarants have designated sections 6 (a), 7, 9, 10 and 12 of the Act and Rules U-42, U-43, U-44 promulgated thereunder as applicable to said filing.

All interested persons are referred to the application-declaration, which is on file in the office of the Commission, for a statement of the transactions proposed therein, which are summarized as follows:

Kingsfort presently has outstanding \$1,044,000 aggregate principal amount of First Mortgage Bonds, 5 percent Series of 1956, due May 1, 1956, 5,000 shares of \$6 Cumulative, no par value, preferred stock, and 200,000 shares of no par value common stock, all of which securities are now owned by American Gas. Kingsfort proposes to issue and deliver to American Gas 104,400 shares of authorized and unsold shares of no par value common stock in exchange for the surrender by American Gas of Kingsfort's outstanding first mortgage bonds and to issue and deliver to American Gas 50,000 shares of authorized but unsold no par value common stock in exchange for the surrender by American Gas of Kingsfort's outstanding preferred stock. Kingsfort proposes that the bonds and shares of preferred stock to be surrendered to it by American Gas will be cancelled; that the mortgage under which the bonds were issued will be discharged; and that a charter amendment will be adopted eliminating Kingsfort's presently authorized preferred stock.

Kingsfort has entered into a bank loan agreement with Manufacturers Trust Company, New York ("Manufacturers") and Guaranty Trust Company of New York ("Guaranty") pursuant to which the banks have agreed to make loans to Kingsfort, from time to time prior to July 1, 1957, in the aggregate of not to exceed \$5,000,000 of which \$3,500,000 will be loaned by Manufacturers and \$1,500,000 will be loaned by Guaranty, such loans to be evidenced by notes to be dated as of the date of the borrowing, to mature on July 1, 1965, and to bear interest at a percentage of ¼ of 1 percent plus the prime commercial rate in effect from time to time, such percentage to be not less than 2¾ percent nor more than 3½ percent. Kingsfort, in addition, will pay semi-annually to the banks a commitment fee of ¼ of 1 percent per annum on the daily unused amount of the respective commitments from the effective date of the loan agreement to the last day of the preceding semi-annual period. Said notes may be prepaid at any time

without penalty, except that if such prepayments are made with funds derived from bank borrowings bearing a rate of interest equal to or less than the effective rate of interest on the notes to be prepaid, then a prepayment premium of 1/4 of 1 percent per annum from the prepayment date to July 1, 1965, shall be payable.

Kingsport represents that the proceeds of its bank borrowings will be used to prepay presently outstanding bank loans in the principal amount of \$1,900,000, and to finance construction costs which for the second half of 1955, 1956 and 1957 are estimated at \$3,433,000 in the aggregate.

The filing represents that the proposed transactions will be expressly authorized by the Tennessee Public Service Commission, in which state Kingsport is doing business.

Notice is further given that any interested person may, not later than August 8, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as it may hereafter be amended, may

be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-6049; Filed, July 26, 1955;
8:46 a. m.]

UNITED STATES TARIFF
COMMISSION

[List No. 15-7]

KNITTED GARMENTS ETC.

COMPLAINTS FILED FOR INVESTIGATION

JULY 22, 1955.

Complaints listed below have been filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of complainant
1. Knitted garments.....	Exclusion from entry.	July 1, 1955	Reneo Hall, 19 Williams St., Mount Vernon, N. Y., and others.
2. Apparatus for electrolytically treating metal surfaces.do.....do.....	Central Scientific Co., 1700 Irving Park Rd., Chicago 13, Ill., and others.
3. Electron tubes and component parts thereof.do.....	July 7, 1955	Elitel-McCullough, Inc., San Bruno, Calif.

The above complaints (except matter marked confidential) are available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where they may be read and copied by persons interested.

In accordance with section 203.3 of the Tariff Commission's Rules of Practice and Procedure, the Commission is conducting a preliminary inquiry with respect to each of the above complaints, for

the purpose of determining whether a formal investigation under the provisions of section 337, Tariff Act of 1930, is warranted. All interested persons having pertinent information to furnish either in favor of or in opposition to the institution of a formal investigation may submit such information, in writing, to the Secretary of the Commission, furnishing 15 copies.

[SEAL]

DONN N. BENT,
Secretary.

[F. R. Doc. 55-6056; Filed, July 26, 1955;
8:49 a. m.]